TITLE 20. COMMERCE, BANKING, AND INSURANCE

CHAPTER 2. DEPARTMENT OF WEIGHTS AND MEASURES

Authority: A.R.S. § 41-2065(A)(4) et seq.

Editor's Note: Because the exempt rules in this Chapter were adopted as permanent rules (Supp. 98-3), the Chapter is printed on white paper (99-3).

Editor's Note: Sections of this Chapter were adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Chapter 117, § 3. Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval. Although exempt from certain provisions of the Administrative Procedure Act, the Department was required to publish these rules in the Arizona Administrative Register and provide reasonable notice and at least one public hearing on the rules. Because these rules are exempt from the regular rulemaking process, the Chapter is printed on blue paper (Supp. 97-3).

Editor's Note: When recodified (Supp. 95-1), not all of the former rule citations were revised to reference the new Title and Chapter. Citations referencing the former title (A.A.C. Title 4, Chapter 31) have been corrected to 20 A.A.C. 2 throughout these rules. For specific revisions, refer to the Section historical notes (Supp. 97-2).

20 A.A.C. 2, consisting of R20-2-101 through R20-2-117, R20-2-201 through R20-2-205, R20-3-301 through R20-3-313, R20-2-401 through R20-2-412, R20-2-501 through R20-2-505, R20-2-601 through R20-2-604, R20-2-701 through R20-2-721, R20-2-801 through R20-2-812, and R20-2-901 through R20-2-909, recodified from 4 A.A.C. 31, consisting of R4-31-101 through R4-31-117, R4-31-201 through R4-31-205, R4-31-301 through R4-31-313, R4-31-401 through R4-31-412, R4-31-501 through R4-31-505, R4-31-601 through R4-31-604, R4-31-701 through R4-31-721, R4-31-801 through R4-31-812, and R4-31-901 through R4-31-909 pursuant to R1-1-102 (Supp. 95-1).

Laws 1987, Ch. 314, § 3, changed the heading from State Administration of Weights and Measures to the Department of Weights and Measures effective August 18, 1987.

Laws 1983, Ch. 98, 199, changed the heading from State Weights and Measures Division to State Administration of Weights and Measures; 202, transferred authority for administration to the Director of Administration effective July 27, 1983.

Article 1 consisting of Sections R4-31-101 through R4-31-113, Article 2 consisting of Sections R4-31-201 through R4-31-205, Article 3 consisting of Sections R4-31-301 through R4-31-313, Article 4 consisting of Sections R4-31-401 through R4-31-412, Article 5 consisting of Sections R4-31-501 through R4-31-505, Article 6 consisting of Sections R4-31-601 through R4-31-604 adopted effective July 27, 1983.

Former Sections R4-31-101 through R4-31-113, R4-31-201 through R4-31-205, R4-31-301 through R4-31-313, R4-31-401 through R4-31-412, R4-31-501 through R4-31-505, R4-31-601 through R4-31-604 adopted again with conforming changes. R20-2-101 through R20-2-113, R20-2-201 through R20-2-205, R20-2-301 through R20-2-313, R20-2-401 through R20-2-412, R20-2-501 through R20-2-505, R20-2-601 through R20-2-604 recodified from R4-31-101 through R4-31-113, R4-31-201 through R4-31-205, R4-31-301 through R4-31-313, R4-31-401 through R4-31-412, R4-31-501 through R4-31-505, R4-31-601 through R4-31-604 (Supp. 95-1).

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Sections R4-31-204 and R4-31-205 renumbered without change as Sections R4-31-701, R4-31-703 through R4-31-716, and R4-31-718 through R4-31-721 (Supp. 89-1).

ARTICLE 8. REPEALED

Article 8, consisting of Sections R20-2-801 through R20-2-812, repealed effective October 8, 1998 (Supp. 98-4).

ARTICLE 9. GASOLINE VAPOR CONTROL

R20-2-901 through R20-2-910 recodified from R4-31-901 through R4-31-910 (Supp. 95-1).

Article 9, consisting of Sections R4-31-901 through R4-31-910, adopted permanently effective August 31, 1993 (Supp. 93-3).

Article 9, consisting of Sections R4-31-901 through R4-31-909, adopted again by emergency action effective June 1, 1993,

pursuant to A.R.S. § 41-1026 (Supp. 93-2).

Article 9, consisting of Sections R4-31-901 through R4-31-909, adopted again by emergency action effective February 22, 1993, pursuant to A.R.S. § 41-1026 (Supp. 93-1). Emergency expired.

Article 9, consisting of Sections R4-31-901 through R4-31-909, adopted by emergency action effective November 23, 1992, pursuant to A.R.S. § 41-1026 (Supp. 92-4).

Section

ARTICLE 1. ADMINISTRATION AND PROCEDURES

R20-2-101. Definitions

The definitions in A.R.S. §§ 41-2051, 41-2065, 41-2085, 41-2121, and 41-2131 and the following definitions apply to this Chapter:

1. "ADEQ" means the Arizona Department of Environmental Quality.
2. "Administrative order" means a corrective action notice that the Department issues for a violation of A.R.S. Title 41, Chapter 15, or this Chapter, that orders a person to:
   a. Remove from use or sale, or dispose of, a commercial device, commodity, or liquid fuel;
   b. Stop selling a commodity or liquid fuel until the person provides documentation to the Department that the weight, measure, fuel quality, or price posting complies with the requirements of A.R.S. Title 41, Chapter 15, and this Chapter;
   c. Stop using a commercial device, commodity, liquid fuel, vapor recovery system, or vapor recovery system component, until the person provides documentation to the Department that the weight, measure, fuel, vapor recovery system, or component complies with the requirements of A.R.S. Title 41, Chapter 15, and this Chapter;
   d. Stop performing weighmaster, deputy weighmaster, registered service agency, or registered service representative licensed duties until the person provides documentation to the Department that the person is complying with the requirements of A.R.S. Title 41, Chapter 15, and this Chapter;
   e. Maintain labeling, policies, and cash register indicator displays according to A.R.S. Title 41, Chapter 15, and this Chapter;
   f. Stop constructing or modifying a vapor recovery system until the person complies with A.R.S. Title 41, Chapter 15, and this Chapter;
   g. Excavate a vapor recovery site according to R20-2-104(L);
   h. Comply with scheduling a test according to R20-2-104(L); or
   i. Retake a competency examination under A.R.S. § 41-2094.
3. "Application" means, for purposes of R20-2-108, forms designated as applications and all documents and additional information the Department requires an applicant to submit with an application.
4. "ASTM" means American Society for Testing and Materials.
5. "CARB" means the California Air Resources Board.
6. "CARB certified" means, with respect to a vapor recovery system, that the system has been certified in an executive order of the CARB.
7. "Certified prover" means a calibrated device, traceable to the National Institute of Standards and Technology, used for measuring liquid volume.
8. "Completion of construction" means the point when a gasoline dispensing site is placed into or returned into service following installation or modification of an approved vapor recovery system.
9. "Construction commenced" means the point in time when construction of a gasoline dispensing site begins:
   a. At a location where there was not one previously;
   b. To replace all gasoline storage tanks; or
   c. To replace, repair, or modify at least 75% of the facility's gasoline dispensing equipment.
10. "EPA" means the United States Environmental Protection Agency.
11. "Gasoline vapors" means volatile organic compounds in a gaseous state.
12. "Handbook 44" means the United States Department of Commerce, Technology Administration, National Institute of Standards and Technology (NIST) Handbook 44, *Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices*, Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-0001 (2003 edition), incorporated by reference and on file with the Department. This incorporation by reference contains no future editions or amendments.
13. "Handbook 112" means the United States Department of Commerce, Technology Administration, National Institute of Standards and Technology (NIST) Handbook 112, *Examination Procedure Outlines for Commercial Weighing and Measuring Devices*, Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-0001 (2002 edition), incorporated by reference and on file with the Department. This incorporation by reference contains no future editions or amendments.
14. "Handbook 130" means the United States Department of Commerce, Technology Administration, National Institute of Standards and Technology (NIST) Handbook 130, *Uniform Laws and Regulations*, Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-0001 (2003 edition), incorporated by reference and on file with the Department. This incorporation by reference contains no future editions or amendments.
15. "Handbook 133" means the United States Department of Commerce, Technology Administration, National Institute of Standards and Technology (NIST) Handbook 133, *Checking The Net Contents of Packaged Goods*, Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-0001 (January 2003 edition), incorporated by reference and on file with the Department. This incorporation by reference contains no future editions and amendments.

16. "NCWM" means the National Conference on Weights and Measures.
17. "Malfunction" means any failure of gasoline vapor recovery equipment to operate in the normal and usual manner.
18. "Modification" means adding to, replacing, or upgrading a site's stage II vapor recovery system, but does not include the repair or replacement of like parts.
19. "Monthly throughput" means the total amount of gasoline transferred into or dispensed from a gasoline dispensing site during one calendar month.
20. "Motor vehicle" means any vehicle equipped with a spark-ignited internal combustion engine, except vehicles that run on or are guided by rails, and vehicles that are designed primarily for travel through air or water.
21. "NIST" means the National Institute of Standards and Technology.
22. "Operator" means a person in control of, or having responsibility for, the daily operation of a gasoline dispensing site.
23. "Out-of-service tag" means a red rejection tag that signifies that a commercial device does not meet the requirements of A.R.S. Title 41, Chapter 15, Handbook 44, or this Chapter.
24. "Person" as defined in A.R.S. § 41-2051, means an owner or operator of a commercial device or vapor recovery system, retail seller, wholesaler, registered supplier, pipeline distributor, packer, manufacturer, licensee, transporter, or consignee.
25. "Placed-in-service" means the certification by a registered service agency or representative that a commercial device may be used, unless the Department orders otherwise.
26. "Placed-In-Service Report" means the form that a registered service representative completes and submits to the Department after placing a commercial device in service.
27. "Product transfer document" means the bill of lading, loading ticket, manifest, delivery receipt, invoice, or other customarily used documentation to denote delivery information for motor fuel.
28. "Retail" means the sale of a commodity to a consumer for profit by someone in the business of selling the commodity.
29. "Seal of authority" means a stamp or press of the Department's official mark, issued to a public weighmaster, certifying the weighmaster's authority to issue weight certificates.
30. "Seizure" means taking into physical possession, or otherwise securing for evidence, a commodity, liquid fuel, weight, measure, commercial device, or component of a device by the Department.
31. "Stop-sale, stop-use tag" means a blue tag or blue tape that signifies that a commercial device, including a vapor recovery system or vapor recovery component, or a commodity or liquid fuel, does not meet the requirements of A.R.S. Title 41, Chapter 15, Handbook 44, Handbook 130, Handbook 133, CARB Executive Orders, or this Chapter.
32. "Underground storage tank" means a tank as described in A.R.S. § 49-1001(18).
33. "Unit" means a quantity adopted as a standard of measurement.
34. "Warning tag" means a yellow tag that signifies a commercial device, vapor recovery system, or vapor recovery component does not comply with A.R.S. Title 41, Chapter 15, Handbook 44, CARB Executive Orders, or this Chapter.
35. "Weight certificate" means a document, issued by a public weighmaster in a form approved by the Department, that certifies the accuracy of the weight of the commodity measured.

Historical Note

Adopted effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective May 31, 1991 (Supp. 91-2). Emergency amendments adopted effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency amendments adopted again without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency amendments adopted again without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Emergency amendments adopted again without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted effective June 22, 1992 (Supp. 92-2). R20-2-101 recodified from R4-31-101 (Supp. 95-1). Citations referencing the former Title (A.A.C. Title 4, Chapter 31, recodified) corrected to 20 A.A.C. 2 (Supp. 97-2). Amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

R20-2-102. Metrology Laboratory Testing and Calibration Fees

A. The Department's Metrology Laboratory charges the following fees for services:
1. $24.00 for the first hour, or fraction of an hour; and
2. $40.00 an hour, or fraction of an hour, after the first hour.

B. In addition to the charges in subsection (A), the Department shall charge for travel and per diem at the rates established by A.R.S. §§ 38-623(D) and 38-624(C) for tests or calibrations conducted outside the Metrology Laboratory.

Historical Note

Adopted effective July 27, 1983 (Supp. 83-4). Amended by adding a new subsection (A) and renumbering accordingly effective February 3, 1989 (Supp. 89-1). Amended subsection (A) effective May 3, 1989 (Supp. 89-2). Amended and subsection (D) renumbered to R4-31-117 effective June 14, 1990 (Supp. 90-2). Amended effective July 3, 1991 (Supp. 91-3). Amended effective April 22, 1992 (Supp. 92-2). R20-2-102 recodified from R4-31-102 (Supp. 95-1). Section repealed; new Section R20-2-102 renumbered from R20-2-105 and amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

R20-2-103. Licensing and Fees

A. A license is effective on the first day of the month following the date that the license application is filed with the Department. If an application is filed on the first of a month and is complete and accurate, the license is effective on the first day of that month.

B. A payment is delinquent if the Department does not receive the payment by the due date. The Department shall not process a license or renewal application for which payment is delinquent.

C. The Department shall prorate a license renewal fee if the licensee's first renewal is fewer than 12 months from the date that license is issued.

D. The Department shall issue a full refund to a licensee for a license renewal fee only if the licensee provides written notice to the Department before the renewal fee due date that the renewal is not needed.

Historical Note

Former Section R4-31-103 adopted effective July 27, 1983 (Supp. 83-4). Section repealed, new Section renumbered from R4-31-117 effective May 31, 1991 (Supp. 91-2). R20-2-103 recodified from R4-31-103 (Supp. 95-1). Section repealed; new Section R20-2-103 renumbered from R20-2-106 and amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

R20-2-104. Administrative Enforcement Action

A. The Department shall take progressive enforcement action for a violation of A.R.S. Title 41, Chapter 15, CARB Executive Orders, Handbook 44, Handbook 130, Handbook 133, or this Chapter.

B. The Department shall provide a copy of its inspection report to the person who owns or operates a location that the Department inspects. The report shall include the inspection results, violations, and enforcement action.

C. The person who owns or operates a location inspected by the Department may request a hearing under R20-2-109 to dispute the inspection results, violation, or enforcement action.

D. The Department shall suspend, revoke, or refuse to renew any license if the licensee does not comply with an enforcement action imposed under this Section.

E. A maximum civil penalty may be doubled as stated in A.R.S. § 41-2115(B).

F. Commercial device.

1. The Department shall place out of service an unlicensed commercial device that it determines has been in use for more than 30 days.
2. The Department shall confiscate a commercial device when a person violates an administrative order related to that commercial device, or removes a warning tag, out-of-service tag, or stop-sale, stop-use tag issued to that commercial device without Department authority.
3. The Department shall issue an out-of-service tag or a stop-sale, stop-use tag if a commercial device is not in compliance with the requirements in Handbook 44 and the lack of compliance creates a situation favorable to the person who owns or operates the commercial device.
   a. A person shall not use a commercial device that has an out-of-service tag until the person repairs the commercial device.
   b. A person shall not sell or use a commercial device that has a stop-sale, stop-use tag until the commercial device meets the requirements of A.R.S. Title 41, Chapter 15, Handbook 44, and this Chapter.
4. The Department shall issue a warning tag when a commercial device is not in compliance with the requirements in Handbook 44 and the lack of compliance creates a situation favorable to the public. The Department shall issue an out-of-service tag if the commercial device is not repaired by the deadline on the warning tag. A person shall not use a commercial device after the period specified on the warning tag for repair unless the commercial device complies with A.R.S. Title 41, Chapter 15, Handbook 44, and this Chapter.
5. The Department shall issue an out-of-service tag if a commercial device does not have a non-tampering seal affixed.
6. The Department shall issue an out-of-service tag if a Department inspector cannot conduct an inspection of a commercial device because of a potential safety risk that the person who owns or operates the commercial device does not correct within 30 minutes of the attempted inspection.
7. The Department shall issue an out-of-service tag if a commercial device cannot begin weighing, measuring, metering, or counting at zero.
8. The Department shall issue a warning tag if the manufacturer's plate on a commercial device does not contain the information required by Handbook 44, is missing, or is unreadable. The Department shall issue an out-of-service tag if the person who owns or operates a commercial device does not obtain a compliant manufacturer's plate by the 30-day deadline imposed on the warning tag.
9. The Department shall issue a warning tag to a person who did not construct a large-scale approach according to Handbook 44. The Department shall issue a stop-sale, stop-use tag if the large-scale approach is not made compliant by the deadline imposed on the warning tag.
10. In addition to any enforcement action under subsections (F)(1) through (F)(9):
    a. If the Department finds during an inspection that a commercial device does not comply with the requirements of A.R.S. Title 41, Chapter 15, or this Chapter and the lack of compliance favors the owner or operator of the commercial device:
       i. The Department shall impose a $300 civil penalty on the person who owns or operates the commercial device; and
       ii. The Department shall impose a $500 civil penalty on the person who owns or operates the commercial device for each reinspection until the commercial device is in compliance.
    b. If the Department finds during an inspection that a person who weighs a product on a commercial device violates Handbook 44 or does not post rates according to Handbook 44 or this Chapter:
       i. The Department shall issue an administrative order to the person at the conclusion of the inspection and impose a $300 civil penalty; and
       ii. The Department shall issue an administrative order to the person and impose a $500 civil penalty at each reinspection until the person complies with Handbook 44 and this Chapter.

G. Public and deputy weighmaster.

1. The Department shall issue an administrative order if a public weighmaster's:
   a. Weigh tickets are not in numbered sequence or are missing,
   b. Seal or press is not readable, or
   c. Records are not maintained according to R20-2-505.
2. The Department shall issue an administrative order and impose a $500 civil penalty on a public weighmaster if:
   a. The public weighmaster's weigh tickets contain inaccurate information,
   b. The public weighmaster violates an administrative order, or
   c. The public weighmaster misuses a seal or press or has an unauthorized seal or press.
3. The Department shall confiscate a seal or press if a public weighmaster violates an administrative order issued to the public weighmaster.

4. The Department shall suspend, revoke, or refuse to renew a license if a public weighmaster does not comply with an enforcement action under this Section.
5. The Department shall issue an administrative order to a person who performs public weighmaster duties without a license.
6. If a public weighmaster permits an unlicensed person to perform deputy weighmaster duties, the Department shall:
   a. Impose a $300 civil penalty on the public weighmaster for the first time the public weighmaster permits an unlicensed person to perform deputy weighmaster duties;
   b. Impose a $500 civil penalty on a public weighmaster for the second time the public weighmaster permits an unlicensed person to perform deputy weighmaster duties; and
   c. Confiscate the public weighmaster's records, equipment, and devices if the public weighmaster permits an unlicensed person to perform deputy weighmaster duties more than twice.

H. Package.
1. The Department shall issue an administrative order to an owner or an employee of the owner where a package inspection is held if a package is not in compliance with a requirement in Handbook 130 or Handbook 133. The person to whom the administrative order is issued shall correct the package violation by:
   a. Returning the package to the packer or manufacturer,
   b. Labeling the package to reflect its correct quantity,
   c. Placing a notice on the package that states the violation and pricing the package to reflect its correct quantity, or
   d. Repackaging the commodity so the package contains the quantity represented.
2. In addition to an administrative order, the Department shall impose a $500 civil penalty per lot on a person who violates a requirement in Handbook 130 or Handbook 133.

I. Price verification.
1. The initial inspection of a retail location for price verification is for educational purposes and an enforcement action will not be imposed for a violation identified during the initial inspection.
2. The Department shall issue a stop-sale, stop-use tag to a person who fails a price verification reinspection if the violation cannot be corrected within 30 minutes of the Department completing the reinspection.
   a. The Department shall impose a $100 civil penalty per violation on a person who fails a reinspection if the Department finds more than one item at more than its posted price.
   b. The Department shall impose a $200 civil penalty per violation on a person who fails a second reinspection. The Department shall increase the per violation civil penalty imposed by $100 for each subsequent reinspection until the violation is corrected.
3. If the Department receives and substantiates a complaint about a person against whom the Department took an administrative enforcement action under subsection (I)(2) within the 60 days before the date of the complaint, the Department shall issue a stop-sale, stop-use tag and impose a civil penalty that is $100 more than the civil penalty that the Department previously imposed against this person.
4. The Department shall issue a warning to a person who does not have a written price-error policy. The Department shall impose a $500 civil penalty if the person does not have a written price-error policy upon reinspection.
5. The Department shall issue a warning to a person who does not have a price display visible to the public at a check-out location. The Department shall issue an out-of-service tag if the person does not have a price display visible to the public at a check-out location upon reinspection.

J. Price posting.
1. The initial inspection of a retail location for price posting is for educational purposes and an enforcement action will not be imposed for a violation identified during the initial inspection.
2. The Department shall issue a stop-sale, stop-use tag to a person who fails a price posting reinspection if the violation cannot be corrected within 30 minutes of the Department completing the reinspection.
3. The Department shall impose a $50 civil penalty for each inspected lot not priced if a person fails a reinspection with a score of less than 96 percent.
4. The Department shall impose a $100 civil penalty for each inspected lot not priced if a person fails a second reinspection.
5. If the Department receives and substantiates a complaint about a person against whom the Department took an administrative enforcement action under subsection (J)(2) within the 60 days before the date of the complaint, the Department shall issue a stop-sale, stop-use tag and impose a civil penalty that is $100 more than the civil penalty that the Department previously imposed against this person.

K. Fuel quality and labeling.
1. The Department shall issue a warning tag to a person whose fuel dispenser labeling violates A.R.S. Title 41, Chapter 15, or this Chapter. The Department shall issue an out-of-service tag to the person if the person does not correct the fuel dispenser labeling violation within the time specified on the warning tag.
2. The Department shall issue an administrative order to a person whose fuel storage tank labeling or external street signage violates A.R.S. Title 41, Chapter 15, or this Chapter. The Department shall impose a $300 civil penalty if the person does not correct the labeling or signage violation within the time specified in the administrative order.
3. The Department shall issue an administrative order and impose a $500 per octane level civil penalty to a person who violates a fuel-quality requirement under A.R.S. Title 41, Chapter 15, or this Chapter. The person shall correct the violation by:
   a. Removing non-compliant motor fuel from the storage tank and replacing it with compliant motor fuel,
   b. Selling the motor fuel at the correct octane level,
   c. Adding sufficient compliant motor fuel to the storage tank to bring the motor fuel in the storage tank into compliance,
   d. Removing all water from the storage tank, or
   e. Removing the non-compliant motor fuel to another area within the state if the motor fuel complies with specifications of that area.
4. The Department shall issue an administrative order to a person who does not provide requested product transfer

documentation within 24 hours of the Department's request. The Department shall impose a $300 civil penalty on a person who provides the requested documentation between 24 and 72 hours. The Department shall impose a $500 civil penalty on a person who does not provide the requested documentation within 72 hours.

L. Vapor recovery.

1. The Department shall issue an administrative order to stop construction at a vapor recovery site and impose a $500 civil penalty on a person who:
   a. Begins construction or makes a major modification without an authority to construct plan approval,
   b. Does not comply with the authority to construct plan approval, or
   c. Does not obtain an approved change order for construction or major modification of the vapor recovery site unless:
      i. The vapor recovery system and its components comply with A.R.S. Title 41, Chapter 15, and this Chapter; and
      ii. The vapor recovery system passes the required vapor recovery tests according to A.R.S. Title 41, Chapter 15, and this Chapter.
2. The Department shall issue an administrative order requiring a person to excavate a vapor recovery site if the person covers a vapor recovery component before a Department pre-burial inspection and shall impose a $500 civil penalty if the excavated system does not pass required vapor recovery tests according to A.R.S. Title 41, Chapter 15, and this Chapter.
3. The Department shall issue an administrative order if a person fails to schedule an initial test date within 90 days of opening a vapor recovery site or an annual test date within the person's designated test month for that year. The Department shall issue a stop-sale, stop-use tag if the person does not comply with the administrative order.
4. The Department shall impose a $100 civil penalty on a person who does not have an authority to construct plan approval available for inspection at the construction site during normal business hours.
5. The Department shall issue a warning tag to a person whose vapor recovery system labeling does not comply with the authority to construct plan approval. The Department shall issue a stop-sale, stop-use tag and impose a $500 civil penalty on a person who does not correct a labeling violation within the time specified on a warning tag.
6. The Department shall issue a stop-sale, stop-use tag to a person whose vapor recovery system fails a test under R20-2-905 or R20-2-910. If the test failure is isolated to a system component, the Department's stop-sale, stop-use tag shall pertain to that component so the rest of the system may operate.
7. The Department shall impose a $500 civil penalty and issue another stop-sale, stop-use tag to a person who violates a stop-sale, stop-use tag. The Department shall impose a $500 civil penalty and revoke, suspend, or refuse to renew a commercial device license if a person removes a stop-sale, stop-use tag without approval.

M. Registered service agency and registered service representative.

1. If a registered service agency submits to the Department an inaccurate or incomplete placed-in-service or test report, the Department shall:
   a. Return the inaccurate or incomplete placed-in-service or test report to the agency for correction, and
   b. Impose a $50 civil penalty on the agency each time the agency resubmits a placed-in-service or test report without making all needed corrections.
2. The Department shall impose a $300 civil penalty on a registered service representative who incorrectly:
   a. Installs a commercial device,
   b. Repairs a commercial device,
   c. Tests a vapor recovery system, or
   d. Repairs a vapor recovery system.
3. If an unlicensed person represents itself as a registered service agency, the Department shall:
   a. Issue an administrative order,
   b. Impose a $500 civil penalty and confiscate the unlicensed person's calibration standards if the unlicensed person violates the administrative order, and
   c. Deny a registered service agency license to the unlicensed person if the unlicensed person fails to comply with the enforcement action under this subsection.
4. The Department shall issue an administrative order to an unlicensed person who performs the duties of a registered service representative. The Department shall impose a $300 civil penalty on the registered service agency for which the unlicensed individual works.
5. The Department shall issue an administrative order if a registered service representative places a commercial device into service without Department authorization. The Department shall impose a $500 civil penalty on the registered service agency whose representative places a commercial device into service without Department authorization.
6. The Department shall impose a $500 civil penalty on a registered service agency whose registered service representative uses a metrology standard or vapor recovery air-to-liquid (A/L) ratio testing equipment that is not certified according to this Chapter. The Department shall confiscate a metrology standard or A/L ratio testing equipment if a registered service representative uses the uncertified standard or equipment after the registered service agency is penalized. The Department shall return the standard or equipment when it is properly certified.
7. The Department shall issue an administrative order to a vapor recovery registered service agency or person who owns a vapor recovery system that does not, according to A.R.S. Title 41, Chapter 15, and this Chapter:
   a. Notify the Department of a test date and time,
   b. Begin a test at the approved time,
   c. Appear for a witnessed test,
   d. Close a vapor recovery system for repairs if the system fails, or
   e. Perform a test.
8. The Department shall impose a $300 civil penalty on a vapor recovery registered service agency that violates subsection (M)(7) twice in 12 months.
9. If a registered service agency's registered service representative does not attach a non-tampering seal on a commercial device that is equipped for a seal, the Department shall:
   a. Impose a $300.00 civil penalty on the registered service agency for the first violation, and
   b. Impose a $500 civil penalty on the registered service agency for each subsequent violation by the registered service representative.
10. If a registered service representative determines that a vapor recovery system or component is not in compliance

with A.R.S. Title 41, Chapter 15, or this Chapter, the registered service representative shall:

a. Secure the non-compliant vapor recovery system or component from use before the registered service representative leaves the vapor recovery site or until the system or component passes the tests required by R20-2-910;
b. Notify the Department of the secured, non-compliant vapor recovery system or component before leaving the vapor recovery site; and
c. Notify the Department of the time of the test required by R20-2-910 by 6:00 a.m. of the day after the non-compliant vapor recovery system or component is secured or one hour before the test, whichever is sooner.

11. If a registered service representative fails to comply with subsection (M)(10)(b) or (M)(10)(c), the Department shall:
    a. Impose a $300 civil penalty on the registered service representative;
    b. Issue an administrative order, if the registered service representative is penalized under this subsection three times in 12 months, requiring the registered service representative to take and pass the licensing competency examination; and
    c. Suspend or revoke the license of the registered service agency employing the registered service representative if the registered service representative does not comply with an order issued under subsection (M)(11)(b).

Historical Note

Adopted effective July 27, 1983 (Supp. 83-4). Repealed effective May 31, 1991 (Supp. 91-2). R20-2-104 recodified from R4-31-104 (Supp. 95-1). New Section R20-2-104 renumbered from R20-2-108 and amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

R20-2-105. Repealed

Historical Note

Former Section R4-31-103 adopted effective July 27, 1983 (Supp. 83-4). Section repealed, new Section renumbered from Section R4-31-114 effective May 31, 1991 (Supp. 91-2). Amended effective August 28, 1992 (Supp. 92-3). R20-2-105 recodified from R4-31-105 (Supp. 95-1). Section R20-2-105 renumbered to R20-2-102; new Section R20-2-105 renumbered from R20-2-109 and amended effective October 8, 1998 (Supp. 98-4). Section repealed by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

R20-2-106. Repealed

Historical Note

Former Section R4-31-106 adopted effective July 27, 1983 (Supp. 83-4). Section repealed, new Section renumbered from R4-31-115 effective May 31, 1991 (Supp. 91-2). R20-2-106 recodified from R4-31-106 (Supp. 95-1). Section R20-2-106 renumbered to R20-2-103; new Section R20-2-106 renumbered from R20-2-110 and amended effective October 8, 1998 (Supp. 98-4). Section repealed by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

R20-2-107. Repealed

Historical Note

Former Section R4-31-107 adopted effective July 27, 1983 (Supp. 83-4). Section repealed, new Section renumbered from R4-31-116 effective May 31, 1991 (Supp. 91-2). Amended by emergency action effective June 1, 1993, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 93-2). Emergency expired. Emergency amendments adopted again effective October 14, 1993, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 93-4). Emergency expired. Emergency amendments adopted again with changes effective January 19, 1994, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 94-1). Emergency amendments permanently adopted with changes effective April 4, 1994 (Supp. 94-2). R20-2-107 recodified from R4-31-107 (Supp. 95-1). Section repealed; new Section adopted effective October 8, 1998 (Supp. 98-4). Section repealed by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

R20-2-108. Time-frames for Licenses, Renewals, and Authorities to Construct

A. For each type of license, renewal, or authority issued by the Department, the overall time-frame described in A.R.S. § 41-1072(2) is set forth in Table 1.

B. For each type of license, renewal, or authority issued by the Department, the administrative completeness review time-frame described in A.R.S. § 41-1072(1) is set forth in Table 1 and begins on the date the Department receives an application.

1. If the application is not administratively complete, the Department shall send a deficiency notice to the applicant.
    a. The deficiency notice shall state each deficiency and the information needed to complete the application.
    b. Within the time provided in Table 1 for response to the deficiency notice, the applicant shall submit to the Department the missing information specified in the deficiency notice. The time-frame for the Department to finish the administrative completeness review is suspended from the date the Department mails the deficiency notice to the applicant until the date the Department receives the missing information.
    c. If the applicant does not submit the missing information within the time to respond to the deficiency notice set forth in Table 1, the Department shall send a written notice to the applicant informing the applicant that the application is deemed withdrawn. An applicant who desires to reapply shall begin the application process anew.
2. If the application is administratively complete, the Department shall send a written notice of administrative completeness to the applicant.

C. For each type of license, renewal, or authority issued by the Department, the substantive review time-frame described in A.R.S. § 41-1072(3) is set forth in Table 1 and begins on the date the Department sends written notice of administrative completeness to the applicant.

1. During the substantive review time-frame, the Department may make one comprehensive written request for additional information. The applicant shall submit the additional information within the time provided in Table 1 for response to a comprehensive written request for additional information. The time-frame for the Department to finish the substantive review is suspended from

the date the Department mails the request until the Department receives the information.

2. If the applicant does not submit the requested additional information within the time-frame in Table 1, the Department shall issue a written notice informing the applicant that the application is deemed withdrawn. The applicant may request in writing that the Department deny the application within 15 days of the date of the notice of withdrawal. An applicant who desires to reapply shall begin the application process anew.
3. The Department shall issue a written notice of denial of license, renewal, or authority if the Department determines that the applicant does not meet all of the substantive criteria required by A.R.S. Title 41, Chapter 15, and this Chapter for a license, renewal, or authority. The notice of denial shall include:
   a. Reasons for the denial, with citations to the statutes or rules on which the denial is based; and
   b. The name and telephone number of a Department employee who can answer questions regarding the application process.
4. If the applicant meets all of the substantive criteria required by A.R.S. Title 41, Chapter 15, and this Chapter for a license, renewal, or authority the Department shall issue the license, renewal, or authority to the applicant.

D. The time period for an applicant to respond to a deficiency notice or request for additional information shall commence on the date of personal service or the postmark date.

E. In computing any time period prescribed in this Section, the day of the act, event, or default shall not be included. The last day of the period shall be included unless it is Saturday, Sunday, or a state holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or state holiday. The computation shall include intermediate Saturdays, Sundays and holidays.

F. An applicant whose license, renewal, or authority is denied has a right to a hearing, an opportunity for rehearing, and if the denial is upheld, judicial review pursuant to A.R.S. Title 41, Chapter 6, Articles 6 and 10, and A.R.S. Title 12, Chapter 7, Article 6.

Historical Note

Adopted effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective May 31, 1991 (Supp. 91-1). R20-2-108 recodified from R4-31-108 (Supp. 95-1). R20-2-108 renumbered to R20-2-104; new Section R20-2-108 adopted effective October 8, 1998 (Supp. 98-4).

R20-2-109. Administrative Hearing Procedures

A.R.S. Title 41, Chapter 6, Articles 6 and 10 apply to the Department's hearings.

Historical Note

Adopted effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective May 31, 1991 (Supp. 91-1). Emergency amendments adopted effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency amendments adopted again without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency amendments adopted again without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Emergency amendments adopted again without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Amended effective June 22, 1992 (Supp. 92-2). R20-2-109 recodified from R4-31-109 (Supp. 95-1). Citation referencing the former Title (A.A.C. Title 4, Chapter 31, recodified) corrected to 20 A.A.C. 2 (Supp. 97-2). R20-2-109 renumbered to R20-2-105; new Section adopted effective October 8, 1998 (Supp. 98-4).

R20-2-110. Motion for Rehearing or Review

A. Except as provided in subsection (G), any party in a contested case or appealable agency action before the Department who is aggrieved by a decision rendered in the case may file with the Department, a written motion for rehearing or review of the decision, pursuant to A.R.S. Title 41, Chapter 6, Article 10, specifying the particular grounds for the motion.

B. A motion for rehearing or review may be amended at any time before it is ruled upon by the Department. A response may be filed within 15 days after service of the motion or amended motion by any other party. The Department may require the filing of written briefs upon the issues raised in the motion and may provide for oral argument.

C. A rehearing or review of the decision may only be granted for any of the following reasons materially affecting the moving party's rights or ability to receive a fair hearing:

1. Any irregularity in the hearing, order, or abuse of discretion by the administrative law judge or the Department.
2. Misconduct of the Department, the administrative law judge, or the prevailing party.
3. Accident or surprise that could not have been prevented by ordinary prudence.
4. Newly discovered material evidence that could not have been discovered with reasonable diligence and produced at the original hearing.
5. Excessive or insufficient penalties.
6. Error in the admission or rejection of evidence or other errors of law occurring at the hearing.
7. That the decision is not justified by the evidence or is contrary to law.

D. The Department may affirm or modify its decision, or grant a rehearing or review. After giving the parties or their counsel notice and an opportunity to be heard, the Department may grant a rehearing or review for a reason not stated in a party's motion. An order granting a rehearing or review shall specify the grounds on which the rehearing or review is granted. The rehearing or review shall cover only those matters so specified.

E. The Department, within the time for filing a motion for rehearing or review under this rule, may order a rehearing or review for any of the reasons set forth in subsection (C), after giving the parties notice and an opportunity to be heard.

F. When a motion for rehearing or review is based upon affidavits, the moving party shall serve the affidavits with the motion. An opposing party has 15 days from the date of service to serve opposing affidavits. The Department may extend the period to respond up to 20 days for good cause, or by written stipulation of the parties. If the Department permits reply affidavits, the replying party has five days in which to serve them.

G. If the Department makes specific findings that the immediate effectiveness of a decision is necessary for the immediate preservation of the public peace, health, and safety and that a rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the Department may issue the decision as a final decision without an opportunity for a rehearing or review. If a decision is issued as a final decision without an opportunity for rehearing or review, any application for judicial review of the decision shall be made within the time limits permitted for applications for judicial review of the Department's final decision.

Historical Note
Adopted effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective May 31, 1991 (Supp. 91-1). Emergency amendments adopted effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency amendments adopted again without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency amendments adopted again without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Emergency amendments adopted again without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Amended effective June 22, 1992 (Supp. 92-2). R20-2-110 recodified from R4-31-110 (Supp. 95-1). Citations referencing former rules in A.A.C. Title 4, Chapter 31, corrected to 20 A.A.C. 2 (Supp. 97-2). R20-2-110 renumbered from R20-2-113 and amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

R20-2-111. Repealed

Historical Note
Adopted effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective May 31, 1991 (Supp. 91-1). Section R4-31-111 repealed, new Section R4-31-111 adopted by emergency action effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Section R4-31-111 repealed again, new Section R4-31-111 adopted again by emergency action without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Section R4-31-111 repealed again, new Section R4-31-111 adopted again by emergency action without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Section R4-31-111 repealed again, new Section R4-31-111 adopted again by emergency action without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Section R4-31-111 repealed, new Section R4-31-111 adopted with changes effective June 22, 1992 (Supp. 92-2). R20-2-111 recodified from R4-31-111 (Supp. 95-1). Section repealed effective October 8, 1998 (Supp. 98-4).

R20-2-112. Repealed

Historical Note
Adopted effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective May 31, 1991 (Supp. 91-1). Former Section R4-31-112 renumbered to R4-31-113, new Section R4-31-112 adopted by emergency action effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Former Section R4-31-112 renumbered again to R4-31-113, new Section R4-31-112 adopted again by emergency action without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Former Section R4-31-112 renumbered again to R4-31-113, new Section R4-31-112 adopted again without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Former Section R4-31-112 renumbered again to R4-31-113, new Section R4-31-112 adopted again by emergency action without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Former Section R4-31-112 renumbered to R4-31-113, new Section R4-31-112 adopted effective June 22, 1992 (Supp. 92-2). R20-2-112 recodified from R4-31-112 (Supp. 95-1). Section repealed effective October 8, 1998 (Supp. 98-4).

R20-2-113. Renumbered

Historical Note
Adopted effective July 27, 1983 (Supp. 83-4). Section repealed, new Section adopted effective May 31, 1991 (Supp. 91-1). Former Section R4-31-113 renumbered to R4-31-114, new Section R4-31-113 renumbered from R4-31-112 by emergency action effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Section R4-31-113 renumbered again to R4-31-114, new Section R4-31-113 renumbered again from R4-31-112 by emergency action without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Section R4-31-113 renumbered again to R4-31-114, new Section R4-31-113 renumbered again from R4-31-112 by emergency action without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Section R4-31-113 renumbered again to R4-31-114, new Section R4-31-113 renumbered again from R4-31-112 by emergency action without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Section R4-31-113 renumbered to R4-31-114, new Section R4-31-113 renumbered from R4-31-112 effective June 22, 1992 (Supp. 92-2). R20-2-113 recodified from R4-31-113 (Supp. 95-1). Section R20-2-113 renumbered to R20-2-110 effective October 8, 1998 (Supp. 98-4).

R20-2-114. Repealed

Historical Note
Adopted effective April 10, 1984 (Supp. 84-2). Amended effective April 19, 1989 (Supp. 89-2). Renumbered to Section R4-31-105 effective May 31, 1991 (Supp. 91-2). Section R4-31-114 renumbered from R4-31-113 by emergency action effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Section R4-31-114 renumbered again from R4-31-113 by emergency action without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Section R4-31-114 renumbered again from R4-31-113 by emergency action without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Section R4-31-114 renumbered again from R4-31-113 by emergency action without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Section R4-31-114 renumbered from R4-31-113 effective June 22, 1992 (Supp. 92-2). R20-2-114 recodified from R4-31-114 (Supp. 95-1). R20-2-114 repealed effective October 8, 1998 (Supp. 98-4).

R20-2-115. Renumbered

Historical Note
Adopted effective April 10, 1984 (Supp. 84-2). Renumbered to R4-31-106 effective May 31, 1991 (Supp. 91-2). R20-2-115 recodified from R4-31-115 (Supp. 95-1).

R20-2-116. Renumbered

Historical Note
Adopted effective March 14, 1988 (Supp. 88-1). Renum-

bered to R4-31-107 effective May 31, 1991 (Supp. 91-2). R20-2-116 recodified from R4-31-116 (Supp. 95-1).

R20-2-117. Renumbered

Historical Note
Renumbered from R4-31-102(D) and amended effective June 14, 1990 (Supp. 90-2). Former Section R4-31-117 renumbered to R4-31-103 effective May 31, 1991 (Supp. 91-2). R20-2-117 recodified from R4-31-117 (Supp. 95-1).

Table 1. Time-frames (in days)

Type of License	Administrative Review Time-frame	Time to Respond to Deficiency Notice	Substantive Review Time-frame	Time to Respond to Request for Additional Information	Overall Time-frame
Commercial Device R20-2-201	10	20	30	20	40
Public Weighmaster R20-2-501	10	20	30	20	40
Registered Service Agency/Representative R20-2-601	10	20	30	20	40
Authority to Construct R20-2-904	10	20	30	20	40

Historical Note
Table 1 adopted effective October 8, 1998 (Supp. 98-4).

ARTICLE 2. COMMERCIAL DEVICES

R20-2-201. Licensing Process
Before using a commercial device, a person or a contracted registered service representative shall apply for a license for the commercial device. The commercial device may be used without a license for up to 30 days after an application is filed with the Department. The application shall be on a form supplied by the Department that includes:

1. The applicant's name, address, and telephone number;
2. The name, address, and telephone number of the location where the commercial device will be operated;
3. A description of the commercial device; and
4. The applicant's signature.

Historical Note
Adopted effective July 27, 1983 (Supp. 83-4). R20-2-201 recodified from R4-31-201 (Supp. 95-1). Section repealed; new Section adopted effective October 8, 1998 (Supp. 98-4). Subsection labeling corrected to conform to Secretary of State format requirements (Supp. 01-1). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

R20-2-202. Repealed

Historical Note
Adopted effective July 27, 1983 (Supp. 83-4). R20-2-202 recodified from R4-31-202 (Supp. 95-1). R20-2-202 renumbered to R20-2-203; new Section R20-2-202 adopted effective October 8, 1998 (Supp. 98-4). Section repealed by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

R20-2-203. Approval, Installation, and Sale of Devices

A. A commercial device installed or placed in use after January 1, 1975, shall be prototype-approved by NCWM or have a certificate of approval from the California Type Evaluation Program.
   1. If a commercial device has been continuously licensed since January 1, 1975, the commercial device is exempt from NCWM or California Type Evaluation Program prototype approval.
   2. If a commercial device exempt under subsection (A)(1) fails the specifications, tolerances, or other technical requirements of Handbook 44 during a Department inspection, the Department shall revoke the commercial device license and a person shall not use the device commercially.

B. The seller of a commercial device that is remanufactured for the purpose of commercial sale shall mark the commercial device as remanufactured.

Historical Note
Adopted effective July 27, 1983 (Supp. 83-4). R20-2-203 recodified from R4-31-203 (Supp. 95-1). Section R20-2-203 renumbered to R20-2-204; new Section R20-2-203 renumbered from R20-2-202 and amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

R20-2-204. Livestock and Vehicle Scale Installation

A. Portable livestock and portable vehicle scales shall be designed to be moveable from one location to another.

B. Portable scales and low-profile electronic scales shall be accessible for maintenance.

C. Notwithstanding Handbook 44, vehicle and livestock scales installed above ground shall have 2 feet minimum clearance from the bottom of the lowest platform support girder to the ground.

D. Notwithstanding Handbook 44, vehicle and livestock scales, installed with a pit, shall have 2 feet minimum clearance from the bottom of the main girder that is lowest in platform support to the pit floor.

Historical Note
Adopted effective July 27, 1983 (Supp. 83-4). Amended by adding subsections (C) through (J) effective April 10, 1984 (Supp. 84-2). Amended subsection (H) and added a new subsection (K) effective April 22, 1988 (Supp. 88-2). Former Section R4-31-204 renumbered without change

as Sections R4-31-701 and R4-31-703 through R4-31-717 (Supp. 89-1). R20-2-204 recodified from R4-31-204 (Supp. 95-1). R20-2-204 renumbered from R20-2-203 and amended effective October 8, 1998 (Supp. 98-4).

R20-2-205. Taxi Cab License Display

A taxicab device licensee shall post the device license on the outside of the rear window of the taxicab.

Historical Note

Adopted effective July 27, 1983 (Supp. 83-4). Amended subsection (B) effective April 10, 1984 (Supp. 84-2). Amended effective April 22, 1988 (Supp. 88-2). Correction: Paragraph 10. in subsections (C) and (D) corrected to read: "0. 50 percent by weight..." as certified effective July 27, 1983 (Supp.88-3). Former Section R4-31-205 renumbered without change as Sections R4-31-701 and R4-31-718 through R4-32-721 (Supp. 89-1). R20-2-205 recodified from R4-31-205 (Supp. 95-1). New Section made by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

ARTICLE 3. PACKAGING, LABELING, AND METHOD OF SALE

R20-2-301. Repealed

Historical Note

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-301 recodified from R4-31-301 (Supp. 95-1). Section repealed; new Section adopted effective October 8, 1998 (Supp. 98-4). Section repealed by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

R20-2-302. Handbook 130 and Handbook 133

A. A person shall comply with all packaging, labeling, and method of sale requirements in Handbook 130, except as otherwise stated in this Chapter. A person shall ensure that packaged commodities kept, offered, exposed for sale, sold, or in the process of delivery are weighed, measured, and inspected using sampling and testing procedures designated in Handbook 133, except as otherwise stated in this Chapter.

B. A retail seller shall ensure that a package that is offered for sale in a variable weight, measurement, or count, and that is weighed, measured, or counted at the time of sale, includes a label on the package identifying the net weight, measurement, or count, item description, and packer's name if the packer is not the retailer. Pre-packaged produce does not require a label on each package if the retailer:

1. Clearly labels the price-per-pound where the packaged produce is displayed, and
2. Deducts a tare for the packaging from the gross weight at the time of sale.

C. A retail seller shall price a commodity at the date and time that it is ordered by a customer.

D. A retail seller who offers, exposes, or advertises a commodity for sale or rent shall post a definite, plain, and conspicuous price on the commodity or adjacent to where the commodity is displayed. If the price of the commodity is by weight, measure, or count, the retailer shall place the price per weight, measure, or count on the commodity or adjacent to where the commodity is displayed. If a retailer offers a commodity for sale or rent at a price reduced by a percentage or a fixed amount from a previously offered price, the retailer shall place the reduction or reduced price on the commodity or adjacent to where the commodity is displayed.

E. A person who owns or operates a plant nursery shall label each commodity with its identity, container size, and price, or post a sign with this information adjacent to the point of display.

F. A retail seller shall ensure that the price of each item purchased is displayed visibly to the public at each check-out location.

Historical Note

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-302 recodified from R4-31-302 (Supp. 95-1). Section repealed; new Section adopted effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

R20-2-303. Repealed

Historical Note

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-303 recodified from R4-31-303 (Supp. 95-1). R20-2-303 repealed effective October 8, 1998 (Supp. 98-4).

R20-2-304. Repealed

Historical Note

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-304 recodified from R4-31-304 (Supp. 95-1). R20-2-304 repealed effective October 8, 1998 (Supp. 98-4).

R20-2-305. Repealed

Historical Note

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-305 recodified from R4-31-305 (Supp. 95-1). R20-2-305 repealed effective October 8, 1998 (Supp. 98-4).

R20-2-306. Repealed

Historical Note

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-306 recodified from R4-31-306 (Supp. 95-1). R20-2-306 repealed effective October 8, 1998 (Supp. 98-4).

R20-2-307. Repealed

Historical Note

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-307 recodified from R4-31-307 (Supp. 95-1). R20-2-307 repealed effective October 8, 1998 (Supp. 98-4).

R20-2-308. Repealed

Historical Note

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-308 recodified from R4-31-308 (Supp. 95-1). R20-2-308 repealed effective October 8, 1998 (Supp. 98-4).

R20-2-309. Repealed

Historical Note

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-309 recodified from R4-31-309 (Supp. 95-1). R20-2-309 repealed effective October 8, 1998 (Supp. 98-4).

R20-2-310. Repealed

Historical Note

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-310 recodified from R4-31-310 (Supp. 95-1). R20-2-310 repealed effective October 8, 1998 (Supp. 98-4).

R20-2-311. Repealed

Historical Note

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-311 recodified from R4-31-311 (Supp. 95-1). R20-2-311 repealed effective October 8, 1998 (Supp. 98-4).

R20-2-312. Repealed

Historical Note
Adopted effective July 27, 1983 (Supp. 83-4). R20-2-312 recodified from R4-31-312 (Supp. 95-1). R20-2-312 repealed effective October 8, 1998 (Supp. 98-4).

R20-2-313. Repealed

Historical Note
Adopted effective July 27, 1983 (Supp. 83-4). Amended effective August 24, 1992 (Supp. 92-3). R20-2-313 recodified from R4-31-313 (Supp. 95-1). R20-2-313 repealed effective October 8, 1998 (Supp. 98-4).

ARTICLE 4. PRICE VERIFICATION AND PRICE POSTING

R20-2-401. Repealed

Historical Note
Adopted effective July 27, 1983 (Supp. 83-4). R20-2-401 recodified from R4-31-401 (Supp. 95-1). R20-2-401 repealed effective October 8, 1998 (Supp. 98-4).

R20-2-402. Price-posting Inspection Procedure and Violation Exceptions

A. The Department shall choose one item that was used and four adjacent items that were not used for a price-verification inspection as the samples for a price-posting inspection.

B. If the Department finds an alleged price-posting violation involving an item used during its price-verification inspection, the Department shall record the price-posting violation on the inspection report.

C. The following are price-posting violations:
1. No price is posted or displayed for an inspected item, or
2. Less than 98 percent of the prices of inspected items are posted accurately.

D. The following are not price-posting violations:
1. A price is posted on a shelf where an item is displayed rather than marked on the item individually;
2. A price is posted on the shelf at the farthest left side of all items with the same price for up to 3 feet of shelf space. The price for commodities with the same uniform price code may be more than three feet from the price posted if they are all displayed in the same location;
3. A price posted above the highest item in a vertical location is the price of all items in that location;
4. A storage area that is posted as a storage area for which a customer should ask for assistance;
5. A restocking area that is posted as a restocking area for which a customer should ask for assistance;
6. A price is posted on a hook in front of or behind a row of items but the price is clearly visible or a notice is clearly visible stating that the price is posted behind the row of items;
7. An item is located in an advertising display without a posted price but a notice is posted informing a customer to ask for price information assistance about an item in the display. A service counter is not an advertising display;
8. A menu-type sign at a point of display that lists the name and price of every item at the point of display in text at least 3/8" high;
9. A point of display contains more than one item posted with the manufacturer's name or logo and the price and name of each item in the point of display is posted;
10. A price is posted only at each entrance to a store but that price is the price of each item in the store, or at each entrance to a department within a store but that price is the price of each item in the department; and
11. A notice states that there is an additional charge based on an item's size and each size and the additional charge for each size is posted.

Historical Note
Adopted effective July 27, 1983 (Supp. 83-4). R20-2-402 recodified from R4-31-402 (Supp. 95-1). R20-2-402 repealed effective October 8, 1998 (Supp. 98-4). New Section made by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

R20-2-403. Repealed

Historical Note
Adopted effective July 27, 1983 (Supp. 83-4). R20-2-403 recodified from R4-31-403 (Supp. 95-1). R20-2-403 repealed effective October 8, 1998 (Supp. 98-4).

R20-2-404. Repealed

Historical Note
Adopted effective July 27, 1983 (Supp. 83-4). R20-2-404 recodified from R4-31-404 (Supp. 95-1). R20-2-404 repealed effective October 8, 1998 (Supp. 98-4).

R20-2-405. Repealed

Historical Note
Adopted effective July 27, 1983 (Supp. 83-4). R20-2-405 recodified from R4-31-405 (Supp. 95-1). R20-2-405 repealed effective October 8, 1998 (Supp. 98-4).

R20-2-406. Repealed

Historical Note
Adopted effective July 27, 1983 (Supp. 83-4). R20-2-406 recodified from R4-31-406 (Supp. 95-1). R20-2-406 repealed effective October 8, 1998 (Supp. 98-4).

R20-2-407. Repealed

Historical Note
Adopted effective July 27, 1983 (Supp. 83-4). R20-2-407 recodified from R4-31-407 (Supp. 95-1). R20-2-407 repealed effective October 8, 1998 (Supp. 98-4).

R20-2-408. Repealed

Historical Note
Adopted effective July 27, 1983 (Supp. 83-4). R20-2-408 recodified from R4-31-408 (Supp. 95-1). R20-2-408 repealed effective October 8, 1998 (Supp. 98-4).

R20-2-409. Repealed

Historical Note
Adopted effective July 27, 1983 (Supp. 83-4). R20-2-409 recodified from R4-31-409 (Supp. 95-1). R20-2-409 repealed effective October 8, 1998 (Supp. 98-4).

R20-2-410. Repealed

Historical Note
Adopted effective July 27, 1983 (Supp. 83-4). R20-2-410 recodified from R4-31-410 (Supp. 95-1). R20-2-410 repealed effective October 8, 1998 (Supp. 98-4).

R20-2-411. Repealed

Historical Note
Adopted effective July 27, 1983 (Supp. 83-4). R20-2-411 recodified from R4-31-411 (Supp. 95-1). R20-2-411 recodified from R4-31-410 (Supp. 95-1). R20-2-411 repealed effective October 8, 1998 (Supp. 98-4).

R20-2-412. Repealed

Historical Note
Adopted effective July 27, 1983 (Supp. 83-4). R20-2-412 recodified from R4-31-412 (Supp. 95-1). R20-2-412 recodified from R4-31-410 (Supp. 95-1). R20-2-412 repealed effective October 8, 1998 (Supp. 98-4).

ARTICLE 5. PUBLIC WEIGHMASTERS

R20-2-501. Qualifications; License and Renewal Application Process

A. In addition to the requirements of A.R.S. § 41-2093, to be a public weighmaster or a deputy public weighmaster, a person shall:
1. Be at least 18 years old,
2. Be able to operate a scale accurately, and
3. Be able to execute weight certificates properly.

B. A person shall not perform the duties of a public weighmaster or deputy public weighmaster until the person passes the written weighmaster examination administered by the Department. A person may not take the examination more than two times in six months.

C. A person that meets the qualifications for public weighmaster or deputy public weighmaster may apply for a license on a form supplied by the Department.
1. The application form includes:
   a. The applicant's name, address, and telephone number;
   b. A statement by the applicant that the applicant knows and understands weighmaster laws and rules;
   c. The name, address, and telephone number of each of the applicant's public weighmaster locations; and
   d. The applicant's signature.
2. The public weighmaster's application form also includes:
   a. The name of each deputy public weighmaster;
   b. The name and address of the scale; and
   c. The scale description.
3. An applicant may be required to submit evidence of qualifications and shall be examined regarding competence or qualifications.

D. Before the Department issues or renews a public weighmaster or deputy public weighmaster license, the applicant shall pay the required fees and provide information required in A.R.S. Title 41, Chapter 15, and this Chapter.

E. The Department does not charge a fee to process a change in name or address.

Historical Note
Adopted effective July 27, 1983 (Supp. 83-4). R20-2-501 recodified from R4-31-501 (Supp. 95-1). Section repealed; new Section adopted effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

R20-2-502. Duties

A public weighmaster shall:
1. Be responsible for the daily operation and maintenance of the licensed scale used when performing weighmaster duties;
2. Use scales according to applicable laws and rules; and
3. Be responsible for all acts performed by any deputy public weighmaster designated by the weighmaster.

Historical Note
Adopted effective July 27, 1983 (Supp. 83-4). R20-2-502 recodified from R4-31-502 (Supp. 95-1). R20-2-502 renumbered to R20-2-504; new Section R20-2-502 adopted effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

R20-2-503. Grounds for Denying License or Renewal; and Disciplinary Action

A. The Department may deny a weighmaster license for any of the following reasons:
1. Providing false or misleading information;
2. Failing to meet the requirements stated in this Article; or
3. Any of the reasons stated in subsections (B)(1) through (9).

B. The Department may impose disciplinary action against, or refuse to renew a public weighmaster's license for any of the reasons stated in subsection (A)(1) or (2), or if the Department has determined that the public weighmaster:
1. Does not have the ability to weigh accurately;
2. Has not correctly made weight certificates;
3. Has been found to have violated any provision of A.R.S. Title 41, Chapter 15, or this Chapter;
4. Has falsified a weight certificate;
5. Has delegated authority to someone other than a licensed public weighmaster or deputy public weighmaster;
6. Has improperly used a weighmaster's seal of authority;
7. Has presigned certificates for later use;
8. Has issued a weight certificate on which changes or alterations were made; or
9. Has used a scale for public weighing that is not properly licensed.

Historical Note
Adopted effective July 27, 1983 (Supp. 83-4). R20-2-503 recodified from R4-31-503 (Supp. 95-1). R20-2-503 renumbered to R20-2-505; new Section R20-2-503 adopted effective October 8, 1998 (Supp. 98-4).

R20-2-504. Scales and Vehicle Weighing

A. When making a weight determination, a public weighmaster shall use a weighing device that is suitable for the function.

B. The public weighmaster shall not use a scale to weigh a load that exceeds the normal or rated capacity of the scale.

C. The owner or user of a weighing device is responsible for the accuracy of the device used by a public weighmaster. The owner or user shall comply with Handbook 44.

D. If a scale is equipped with a printing device, it shall be used for all relevant entries on the weight certificate.

E. The Department shall separately license and regulate each scale location.

F. A weighmaster shall weigh any vehicle or combination of vehicles on a scale having a platform that fully accommodates the vehicle or combination of vehicles as one unit.

G. If a combination of vehicles is divided into separate units to be weighed, each separate unit shall be entirely disconnected before weighing and a separate weight certificate shall be issued for each unit.

Historical Note
Adopted effective July 27, 1983 (Supp. 83-4). R20-2-504 recodified from R4-31-504 (Supp. 95-1). R20-2-504 renumbered to R20-2-506; new Section R20-2-504 renumbered from R20-2-502 and amended effective October 8, 1998 (Supp. 98-4).

R20-2-505. Weight Certificates

A. In issuing a weight certificate, a public weighmaster shall enter only those weight values that the weighmaster or deputy weighmaster has accurately and personally determined.

B. A public weighmaster shall not make any entries on a weight certificate issued by another person.

C. By signing a weight certificate, a weighmaster or the weighmaster's deputy shall be responsible for the accuracy of all entries on the weight certificate.
D. A weight certificate is valid only when properly signed and sealed by the issuing weighmaster or the weighmaster's deputy.
E. If an error is made on a weight certificate, the weighmaster shall void the certificate and issue a new certificate. No changes or alterations shall be made on a certificate.
F. A weight certificate shall state:
1. The date of issuance;
2. The name of the declared owner, agent, or consignee of the material weighed;
3. The accurate weight of the material weighed or counted;
4. The means by which the material is being transported at the time it is weighed or counted;
5. An identification number of the transporting unit, including a license number; and
6. The following statement: "PUBLIC WEIGHMASTER'S CERTIFICATE OF WEIGHT AND MEASURE. This is to certify that the described merchandise was weighed, counted, or measured by a public or deputy weighmaster, and when properly signed and sealed, is prima facie evidence of the accuracy of the weight, count, or measure shown as prescribed by law."

G. A public weighmaster shall maintain a legible copy of each weight certificate issued at each scale location, for a minimum of one year. A weighmaster also shall ensure that weight certificates are consecutively numbered and filed numerically. A weighmaster shall not use another filing system without Department approval.

Historical Note
Adopted effective July 27, 1983 (Supp. 83-4). R20-2-505 recodified from R4-31-505 (Supp. 95-1). R20-2-505 renumbered to R20-2-507; new Section R20-2-505 renumbered from R20-2-503 and amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

R20-2-506. Seal of Authority
A. A weighmaster shall obtain a seal for the certification of weight certificates at cost through the Department.
B. The Department shall assign a number to a seal identifying the public weighmaster and the specific location for which the seal is issued.
C. A seal is the property of the state. A weighmaster shall surrender a seal to the Department within 30 days after the weighmaster no longer operates as a licensed public weighmaster.
D. A public weighmaster shall have one seal for use at each scale location.
E. A seal shall be accessible to the weighmaster and authorized deputies during all business hours at the scale location for the timely and proper certification of weight certificates.
F. A public weighmaster shall keep a seal of authority at each scale location and make it available for inspection by the Department during all business hours.

Historical Note
R20-2-506 renumbered from R20-2-504 and amended effective October 8, 1998 (Supp. 98-4).

R20-2-507. Prohibited Acts
A. A person shall not:
1. Issue a certified weight certificate without being a licensed public weighmaster or a person properly authorized to act for a public weighmaster;
2. Procure, print, or cause to be printed any public weighmaster weight certificate without being a licensed public weighmaster or a person authorized to act for a public weighmaster;
3. Possess unfilled or unused public weighmaster weight certificate forms without being a licensed public weighmaster or a person authorized to act for a public weighmaster;
4. Furnish or give false information to a weighmaster for use in the completion of a weight certificate;
5. Present a certificate for payment falsified by the insertion of any weight, measure, or count not determined by the issuing weighmaster;
6. Use without authorization the title "licensed public weighmaster" or any similar title;
7. Represent oneself to be a public weighmaster without holding a license issued by the Department;
8. Engage in public weighing without holding a valid license as a public weighmaster, or acting under the authority of a licensed public weighmaster;
9. Use an unlicensed scale in the performance of public weighmaster duties; or
10. Operate a scale for public weighing unless that person is licensed as a public weighmaster.

B. People engaged in the business of printing weight certificate forms, their representatives, and the Department are exempt from the prohibitions specified in subsections (A)(2) and (3).

Historical Note
R20-2-507 renumbered from R20-2-505 and amended effective October 8, 1998 (Supp. 98-4).

ARTICLE 6. REGISTERED SERVICE AGENCIES AND REPRESENTATIVES

R20-2-601. Qualifications; License and Renewal Application Process
A. Registered service agency.
1. To obtain a license as a registered service agency, an applicant shall provide evidence that:
   a. The applicant's registered service representative has a thorough knowledge of all appropriate laws within A.R.S. Title 41, Chapter 15, Handbook 44, Handbook 112, CARB Executive Orders, and this Chapter;
   b. The applicant provided its representative with a copy of the portions of A.R.S. Title 41, Chapter 15, Handbook 44, Handbook 112, CARB Executive Orders, and this Chapter relating to registered service representative duties;
   c. The applicant:
      i. Possesses the necessary certified standards and testing equipment to service commercial devices; and
      ii. Possesses the necessary test equipment calibrated annually by the equipment manufacturer to perform an air to liquid (A/L) test of a vapor recovery system or vapor recovery component properly; or
      iii. Has access to the necessary standards and testing equipment belonging to another registered service agency and has written approval from that agency to use its standards and testing equipment; and
   d. The applicant shall ensure that its registered service representative operates the equipment according to A.R.S. Title 41, Chapter 15, Handbook 44, Hand-

book 112, CARB Executive Orders, and this Chapter.

2. The Department shall not issue a registered service agency license until at least one of the applicant's employees passes a registered service representative competency exam.
3. An applicant for a registered service agency license shall submit an application form, obtained from the Department that provides:
   a. Name, address, telephone number, electronic mail address, and facsimile number;
   b. License information from other states;
   c. Types of devices serviced, repaired, or installed, or vapor recovery systems or components repaired or tested;
   d. A list of all of the applicant's devices and testing equipment with corresponding serial or identification numbers;
   e. Branch office information;
   f. Names of registered service representatives and their experience with other registered service agencies or states;
   g. License and disciplinary history; and
   h. Applicant's signature.

B. Registered service representative.
1. To obtain a license as a registered service representative, an applicant shall provide evidence that:
   a. The applicant has a thorough knowledge of all appropriate laws within A.R.S. Title 41, Chapter 15, Handbook 44, Handbook 112, CARB Executive Orders, and this Chapter;
   b. The applicant possesses the necessary training or experience regarding appropriate standards and testing equipment to service the specific commercial device, vapor recovery system, or vapor recovery system component indicated on the application;
   c. The applicant will operate according to appropriate laws within A.R.S. Title 41, Chapter 15, Handbook 44, Handbook 112, CARB Executive Orders; and this Chapter; and
   d. The applicant has passed a competency examination. An applicant shall bring a copy of Handbook 44 and Handbook 112 to the examination site. An applicant for a vapor recovery registered service representative license shall complete the Department's training class before taking the competency examination.
2. An applicant for a registered service representative license shall submit an application on a form obtained from the Department that provides:
   a. Name, address, telephone number, and facsimile number;
   b. License information from other states;
   c. Types of devices serviced, repaired, or installed, or vapor recovery systems or components repaired or tested;
   d. Work experience with other registered service agencies in Arizona or other states;
   e. License and disciplinary history; and
   f. Applicant's signature.

C. To renew a vapor recovery registered service representative license, an applicant shall:
1. Complete the Department's training class, and
2. Take and pass a written vapor recovery examination, administered by the Department.

D. An applicant may not take a registered service representative examination more than two times in six months.

E. An applicant shall complete an examination within the time specified.

F. The Department does not charge a fee to process a change in business name or address.

Historical Note

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-601 recodified from R4-31-601 (Supp. 95-1). Section amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

R20-2-602. Duties

A. Registered service agency.
1. A registered service agency shall:
   a. Maintain all equipment used for commercial device certification according to standards traceable to NIST, and
   b. Maintain and use equipment for testing vapor recovery systems and vapor recovery system components according to this Chapter and manufacturer specifications.
2. When a registered service agency restores or newly places in service a commercial device, the registered service agency shall complete a placed-in-service report form prescribed by the Department.
   a. The registered service agency shall complete the placed-in-service report in triplicate;
   b. Within seven calendar days after the commercial device is restored to service or newly placed in service, the registered service agency shall mail the original of the properly completed and signed placed-in-service report to the Department;
   c. The registered service agency shall give a copy of the placed-in-service report to the person who owns or operates the commercial device;
   d. The registered service agency shall retain a copy of the placed-in-service report or any required vapor recovery report for one year;
   e. The registered service agency shall ensure that the placed-in-service report contains the assigned license number of the registered service representative who completes the report;
   f. The registered service agency shall ensure that the placed-in-service report is completed and signed by the registered service representative noting each rejected commercial device restored to service and each newly installed commercial device placed in service;
   g. The registered service agency shall ensure that the placed-in-service report includes the serial or identification number of each standard used by the registered service representative to calibrate the commercial device for each rejected device restored to service and for each newly installed device placed in service; and
   h. The registered service agency shall ensure that the placed-in-service report includes the license number of the registered service representative who installs or repairs the commercial device.
3. A registered service agency shall have all equipment used for commercial device certification and A/L testing certified annually by the manufacturer.

4. A registered service agency shall not use new equipment for commercial device certification until it is certified by a NIST-traceable laboratory.
5. A registered service agency shall ensure that employees do not perform registered service representative duties until licensed. A registered service agency may train an employee in registered service representative duties only if the employee is within the direct line of sight and hearing of a supervising licensed registered service representative.
6. A registered service agency shall use a form approved by the Department to record vapor recovery test results and violations. The registered service agency shall submit to the Department the summary test report within 24 hours following the test. All other forms relating to the test shall be mailed within seven days after completion of the test.
7. A registered service agency shall ensure that its registered service representative provides a copy of the Regulatory Bill of Rights, defined in A.R.S. § 41-1001.01, to the owner or operator of a vapor recovery system before beginning a vapor recovery test that is not witnessed by the Department.
8. A registered service agency shall ensure that its registered service representative provides a vapor recovery system owner or operator with written test preparation instructions, approved by the Department, at least 10 business days before an initial or annual test.

B. Registered service representative.

1. A registered service representative shall:
   a. Install only commercial devices that meet the requirements of this Chapter;
   b. Perform all vapor recovery tests according to this Chapter;
   c. Perform all appropriate tests when repairing a commercial device or repairing or replacing a vapor recovery system or component to ensure that the requirements of A.R.S. Title 41, Chapter 15, this Chapter, Handbook 44, Handbook 112, and CARB Executive Orders are met;
   d. Report to the user equipment or commercial devices that do not conform to NIST standards; and
   e. Complete placed-in-service reports accurately.
2. If a vapor recovery registered service representative cannot correct a violation and has to leave the vapor recovery site, the registered service representative shall secure the non-compliant vapor recovery system or component from commercial use. The non-compliant system or component shall not be used for commercial purposes until it is repaired and passes the test required by R20-2-910. The registered service representative shall notify the Department of the stop-sale, stop-use by 6:00 a.m. of the day after the non-compliant vapor recovery system or component is secured or one hour before the test, whichever is sooner, so that the Department can witness the test.

Historical Note

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-602 recodified from R4-31-602 (Supp. 95-1). Section amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

R20-2-603. Grounds for Denying License or Renewal; Disciplinary Action; and Certification of Standards and Testing Equipment

A. The Department shall not issue a license or renewal until an applicant pays all appropriate fees.

B. Upon receipt and acceptance of all required documents, fees, and Department certification of standards, the Department shall issue the agency a license or renewal.

C. The Department shall include on a license an assigned number, that remains effective until either withdrawn by the Department or until it expires. The Department shall issue a license with the agency's assigned license number to each registered service representative employed by the agency who has passed the competency examination.

D. Neither a registered service agency nor a registered service representative shall transfer a license.

E. A registered service agency shall submit the renewal fee for the agency license and the agency's representatives' licenses by the first day of the month that each license expires.

F. The Department may deny a license or renewal for any of the following reasons:

1. Providing false or misleading information;
2. Failure to meet annual certification requirements for standards or testing equipment;
3. Failure to meet the requirements stated in this Article; or
4. For any reason that would be grounds for suspension, revocation, or refusal to renew.

G. The Department may suspend, revoke, or refuse to renew a license if the applicant is not qualified to perform those duties required or has been found to have violated any provision of A.R.S. Title 41, Chapter 15, or this Chapter.

H. Every registered service agency and representative shall comply with the Department's metrology laboratory annual schedule for certification of field standards contained in A.R.S. § 41-2067(F).

Historical Note

Adopted effective July 27, 1983 (Supp. 83-4). R20-2-603 recodified from R4-31-603 (Supp. 95-1). Section amended effective October 8, 1998 (Supp. 98-4).

R20-2-604. Prohibited Acts

A. A person shall not:

1. Perform any duty or do any act required to be done by a registered service agency or registered service representative without holding a registered service agency or registered service representative license issued by the Department;
2. Use the title of registered service agency or registered service representative, any similar title, or hold oneself out as a registered service agency or representative without a valid license; or
3. Remove an official out-of-service, warning, or stop-sale, stop-use tag except as authorized in this Chapter, or by the Department.

B. A registered service agency or registered service representative shall not:

1. Fraudulently complete or file a placed-in-service report;
2. Delegate licensed authority or responsibility to an unlicensed person;
3. Perform a function without certified equipment;
4. Install or place in service a commercial device before satisfying all of the statutory and rule requirements;
5. Fail to report a commercial device to the Department within two business days of finding that device is out of compliance;
6. Install, calibrate, or repair a commercial device without placing a sequentially numbered decal or label on the device as prescribed by the Director;
7. Leave a location where there is a non-compliant commercial device without securing the commercial device from commercial use; or

8. Leave a vapor recovery site where there is a non-compliant system or component without securing the system or component from commercial use.

Historical Note
Adopted effective July 27, 1983 (Supp. 83-4). R20-2-604 recodified from R4-31-604 (Supp. 95-1). Amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

R20-2-605. Material Incorporated by Reference
The following documents are incorporated by reference and on file with the Department. The documents incorporated by reference contain no future editions or amendments.

1. California Air Resources Board Executive Order G-70-17-AD, *Modification of Certification of the Emco Wheaton Balance Phase II Vapor Recovery System*, May 6, 1993, California Air Resources Board, P.O. Box 2815, Sacramento, California 95812-2815.
2. California Air Resources Board Executive Order G-70-36-AD, *Modification of Certification of the OPW Balance Phase II Vapor Recovery System*, September 18, 1992, California Air Resources Board, P.O. Box 2815, Sacramento, California 95812-2815.
3. California Air Resources Board Executive Order G-70-52-AM, *Certification of Components for Red Jacket, Hirt, and Balance Phase II Vapor Recovery Systems*, October 4, 1991, California Air Resources Board, P.O. Box 2815, Sacramento, California 95812-2815.
4. California Air Resources Board Executive Order G-70-70-AC, *Modification of Certification of the Healy Phase II Vapor Recovery System for Gasoline Dispensing Facilities*, June 23, 1992, California Air Resources Board, P.O. Box 2815, Sacramento, California 95812-2815.
5. California Air Resources Board Executive Order G-70-150-AE, *Modification to the Certification of the Marconi Commerce Systems Inc. (MCS) "Formerly Gibarco" VaporVac Phase II Vapor Recovery System*, July 12, 2000, California Air Resources Board, P.O. Box 2815, Sacramento, California 95812-2815.
6. California Air Resources Board Executive Order G-70-153-AD, *Modification to the Certification of the Dresser/Wayne WayneVac Phase II Vapor Recovery System*, April 3, 2000, California Air Resources Board, P.O. Box 2815, Sacramento, California 95812-2815.
7. California Air Resources Board Executive Order G-70-154-AA, *Modification to the Certification of the Tokheim MaxVac Phase II Vapor Recovery System*, June 10, 1997, California Air Resources Board, P.O. Box 2815, Sacramento, California 95812-2815.
8. California Air Resources Board Executive Order G-70-163-AA, *Modification to the Certification of the OPW VaporEZ Phase II Vapor Recovery System*, September 4, 1996, California Air Resources Board, P.O. Box 2815, Sacramento, California 95812-2815.
9. California Air Resources Board Executive Order G-70-164-AA, *Modification to Certification of the Hasstech VCP-3A Vacuum Assist Phase II Vapor Recovery System*, December 10, 1996, California Air Resources Board, P.O. Box 2815, Sacramento, California 95812-2815.
10. California Air Resources Board Executive Order G-70-165, *Certification of the Healy Vacuum Assist Phase II Vapor Recovery System with the Model 600 Nozzle*, April 20, 1995, California Air Resources Board, P.O. Box 2815, Sacramento, California 95812-2815.
11. California Air Resources Board Executive Order G-70-169-AA, *Modification to the Certification of the Franklin Electric INTELLIVAC Phase II Vapor Recovery System*, August 11, 1997, California Air Resources Board, P.O. Box 2815, Sacramento, California 95812-2815.
12. California Air Resources Board Executive Order G-70-177-AA, *Modification to the Certification of the Hirt VCS400-7 Vacuum Assist Phase II Vapor Recovery System*, December 9, 1999, California Air Resources Board, P.O. Box 2815, Sacramento, California 95812-2815.
13. California Air Resources Board Executive Order G-70-180, *Order Revoking Certification of Healy Phase II Vapor Recovery Systems for Gasoline Dispensing Facilities*, April 17, 1997, California Air Resources Board, P.O. Box 2815, Sacramento, California 95812-2815.
14. California Air Resources Board Executive Order G-70-183-AA, *Relating to Language Correction in Existing Executive Order G-70-183 (Healy Systems, Inc.)*, June 29, 2001, California Air Resources Board, P.O. Box 2815, Sacramento, California 95812-2815.
15. California Air Resources Board Executive Order G-70-186, *Certification of the Healy Model 400 ORVR Vapor Recovery System*, October 26, 1998, California Air Resources Board, P.O. Box 2815, Sacramento, California 95812-2815.
16. California Air Resources Board Executive Order G-70-188, *Certification of the Catlow ICVN Vapor Recovery Nozzle System for use with the Gilbarco VaporVac Vapor Recovery System*, May 18, 1999, California Air Resources Board, P.O. Box 2815, Sacramento, California 95812-2815.
17. California Air Resources Board Executive Order G-70-191-AA, *Relating to Language Correction in Existing Executive Order G-70-191 (Healy Systems, Inc.)*, July 30, 2001, California Air Resources Board, P.O. Box 2815, Sacramento, California 95812-2815.
18. California Air Resources Board Executive Order G-70-196, *Certification of the Saber Technologies, LLC Saber-Vac VR Phase II Vapor Recovery System*, December 30, 2000, California Air Resources Board, P.O. Box 2815, Sacramento, California 95812-2815.

Historical Note
New Section made by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

ARTICLE 7. MOTOR FUELS AND PETROLEUM PRODUCTS

Editor's Note: The following Section was amended under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Chapter 117, § 3. Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval. Although exempt from certain provisions of the Administrative Procedure Act, the Department was required to publish these rules in the Arizona Administrative Register and provide reasonable notice and at least one public hearing on the rules (Supp. 97-3). The exempt amendment expired when the Section was permanently adopted with changes (Supp. 98-3).

R20-2-701. Definitions
In addition to the definitions in R20-2-101, the following definitions apply to this Article unless the context otherwise requires:

"Area A" has the same meaning as in A.R.S. § 49-541.

"Area B" has the same meaning as in A.R.S. § 49-541.

"Arizona Cleaner Burning Gasoline" or "Arizona CBG" means a gasoline blend that meets the requirements of this

Article for gasoline produced and shipped to or within Arizona and sold or offered for sale for use in motor vehicles within the CBG-covered area, except as provided under A.R.S. § 41-2124(K).

"AZRBOB" or "Arizona Reformulated Blendstock for Oxygenate Blending" means a combination of gasoline blendstocks that is intended to be or represented to constitute Arizona CBG upon the addition of a specified amount (or range of amounts) of fuel ethanol after the blendstock is supplied from the facility at which it was produced or imported.

"Batch" means a quantity of motor fuel or AZRBOB that is homogeneous for motor fuel properties specific for the motor fuel standards applicable to that motor fuel or AZRBOB.

"Beginning of transport" means the point at which:

A registered supplier relinquishes custody of Arizona CBG or AZRBOB to a transporter or third-party terminal; or

A registered supplier that retains custody of Arizona CBG or AZRBOB begins transfer of the Arizona CBG or AZRBOB into a vessel, tanker, or other container for transport to the CBG-covered area.

"Biodiesel" means a diesel fuel substitute that satisfies all of the following:

Is produced from nonpetroleum renewable resources if the qualifying volume of nonpetroleum renewable resources meets the standards for California diesel fuel as adopted by the California air resources board pursuant to 13 California code of regulations sections 2281 and 2282 in effect on January 1, 2000.

Meets the registration requirement for fuels and additives established by the environmental protection agency pursuant to section 211 of the clean air act as defined in section 49-401.01.

The use of the diesel fuel substitute complies with the requirements listed in 10 Code of Federal Regulations part 490, as printed in the federal register, volume 64, number 96, May 19, 1999.

Is sold, offered or exposed for sale as a neat product or blended with diesel fuel. A.R.S. § 41-2051(1).

"Blendstock" means any liquid compound that is blended with another liquid compound to produce a motor fuel, including Arizona CBG. A deposit-control or similar additive registered under 40 CFR 79 is not a blendstock.

"CARB" means the California Air Resources Board.

"CARBOB" means California Reformulated Gasoline Blendstock for Oxygenate Blending.

"CARBOB Model" means the procedures incorporated by reference in R20-2-702(12).

"CARB Phase 2 gasoline" means gasoline that meets the specifications incorporated by reference in R20-2-702(8).

"CARB Phase 3 gasoline" means gasoline that meets the specifications incorporated by reference in R20-2-702(9).

"CBG-covered area" means a county with a population of 1,200,000 or more persons according to the most recent United States decennial census and any portion of a county within area A.

"Conventional gasoline" means gasoline that conforms to the requirements of this Chapter for sale or use in Arizona, but does not meet the requirements of Arizona CBG or AZRBOB.

"Designated alternative limit" means a motor fuel property specification, expressed in the nearest part per million by weight for sulfur content, nearest 10th percent by volume for aromatic hydrocarbon content, nearest 10th percent by volume for olefin content, and nearest degree Fahrenheit for T90 and T50, that is assigned by a registered supplier to a final blend of Type 2 Arizona CBG or AZRBOB for purposes of compliance with the Predictive Model Procedures.

"Diesel" or "diesel fuel" *means a refined middle distillate for use as a motor fuel in a compression-ignition internal-combustion engine.*

"Downstream oxygenate blending" means combining AZRBOB and fuel ethanol to produce fungible Arizona CBG.

"Duplicate" means a portion of a sample that is treated the same as the original sample to determine the accuracy and precision of an analytical method.

"E85" means a fuel ethanol gasoline blend that meets the specifications in ASTM D 5798, which is incorporated by reference in R20-2-702.

"EPA" means the United States Environmental Protection Agency.

"EPA waiver" means a waiver granted by the Environmental Protection Agency as described in "Waiver Requests under Section 211(f) of the Clean Air Act," which is incorporated by reference in R20-2-702.

"Final distribution facility" means a stationary motor-fuel transfer point at which motor fuel or AZRBOB is transferred into a cargo tank truck, pipeline, or other delivery vessel from which the motor fuel or AZRBOB will be delivered to a motor-fuel dispensing site. A cargo tank truck is a final distribution facility if the cargo tank truck transports motor fuel or AZRBOB and carries documentation that the type and amount or range of amounts of oxygenates designated by the registered supplier will be or have been blended directly into the cargo tank truck before delivery of the resulting motor fuel to a motor-fuel dispensing site.

"Fleet" means at least 25 motor vehicles owned or leased by the same person.

"Fleet vehicle fueling facility" means a facility or location where a motor fuel is dispensed for final use by a fleet.

"Fuel ethanol" means denatured ethanol that meets the specifications in ASTM D 4806, which is incorporated by reference in R20-2-702.

"Gasoline" means a volatile, highly flammable liquid mixture of hydrocarbons that does not contain more than .05 grams of lead for each United States gallon, is produced, refined, manufactured, blended, distilled, or compounded from petroleum, natural gas, oil, shale oils or coal, and other flammable liquids free from undissolved water, sediment, or suspended matter, with or without additives, and is commonly used as a fuel for spark-ignition internal-combustion engines. Gasoline does not include diesel fuel or E85.

"Importer" means any person that assumes title or ownership of Arizona CBG or AZRBOB produced by an unregistered supplier.

"Manufacturer's proving ground" means a facility used only to develop complete motor vehicles, that are not currently available on the retail market, for an automotive manufacturer.

"Motor fuel" means petroleum or a petroleum-based substance such as motor gasoline, any grade of oxygenated gasoline, aviation fuel, number one or number two diesel fuel including neat biodiesel or a biodiesel blend, and E85 typically used in the operation of a motor engine.

"Motor fuel dispensing site" means a facility or location where a motor fuel is dispensed into commerce for final use.

"Motor fuel property" means any characteristic listed in R20-2-751(A)(1) through (A)(7), R20-2-751(B)(1) through (B)(7), Table 1, Table 2, or any other motor fuel standard referenced in this Article.

"Motor vehicle" means a vehicle equipped with a spark-ignited or compression-ignition internal combustion engine except:

A vehicle that runs on or is guided by rails; or

A vehicle that is designed primarily for travel through air or water.

"Motor vehicle racing event" means a competition, including related practice and qualifying and demonstration laps that uses unlicensed motor vehicles designed and manufactured specifically for racing and is conducted on a public or private racecourse for the entertainment of the general public.

"MTBE" means methyl tertiary butyl ether.

"Neat" means straight or 100 percent; not blended with gasoline.

"NOx" means oxides of nitrogen.

"Octane," "octane number," or "octane rating" mean the anti-knock characteristic of gasoline as determined by the resultant arithmetic test average of ASTM D2699 and ASTM D2700.

"Oxygenate" means any oxygen-containing ashless, organic compound, including aliphatic alcohols and aliphatic ethers, that may be used as a fuel or as a gasoline blending component and is approved as a blending agent under the provisions of a waiver issued by the EPA under *42 U.S.C. 7545(f)*.

"Oxygenate blender" means a person that owns, leases, operates, controls, or supervises an oxygenate-blending facility, or that owns or controls the blendstock or gasoline used, or the gasoline produced, at an oxygenate-blending facility.

"Oxygenate-blending facility" means any location (including a truck) where fuel ethanol is added to Arizona CBG or AZRBOB and the resulting quality or quantity of Arizona CBG is not altered in any other manner except for the addition of a deposit-control or similar additive registered under 40 CFR 79.

"Oxygenated Arizona CBG" means Arizona CBG with a minimum oxygen content of 3.7 wt. % or another minimum oxygen content approved by the Director under A.R.S. § 41-2124, that is produced and shipped to or within Arizona and sold or offered for sale for use in motor vehicles in the CBG-covered area from November 1 through January 31 of each year.

"Oxygen content" means the percentage by weight of oxygen contained in a gasoline oxygenate blend as calculated by ASTM D 4815.

"Performance standard" means the VOC and NOx emission reduction percentages in R20-2-751(A)(8) and Table 1.

"Pipeline" means a transporter that owns or operates an interstate common-carrier pipe to transport motor fuels into Arizona.

"PM" or "Predictive Model Procedures" means the California Predictive Model and CARB's "California Procedures for Evaluating Alternative Specifications for Phase 2 Reformulated Gasoline Using the California Predictive Model," as adopted April 20, 1995, and "California Procedures for Evaluating Alternative Specifications for Phase 3 Reformulated Gasoline Using the California Predictive Model," as amended April 25, 2001, both of which are incorporated by reference in R20-2-702. This definition will not become effective until Arizona's revised State Implementation Plan regarding CARB 3 is approved by EPA.

"PM alternative gasoline formulation" means a final blend of Arizona CBG or AZRBOB that is subject to a set of PM alternative specifications.

"PM alternative specifications" means the specifications for the following fuel properties, as determined using a testing methodology in R20-2-759:

Maximum RVP, expressed in the nearest 100th of a pound per square inch;

Maximum sulfur content, expressed in the nearest part per million by weight;

Maximum olefin content, expressed in the nearest 10th of a percent by volume;

Minimum and maximum oxygen content, expressed in the nearest 10th of a percent by weight;

Maximum T50, expressed in the nearest degree Fahrenheit;

Maximum T90, expressed in the nearest degree Fahrenheit; and

Maximum aromatic hydrocarbon content, expressed in the nearest 10th of a percent by volume.

"PM averaging compliance option" means, with reference to a specific fuel property, the compliance option for PM alternative gasoline formulations by which final blends of Arizona CBG and AZRBOB are assigned designated alternative limits under R20-2-751(G), (H), and (I).

"PM averaging limit" means a PM alternative specification that is subject to the PM averaging compliance option.

"PM flat limit" means a PM alternative specification that is subject to the PM flat limit compliance option.

"PM flat limit compliance option" means, with reference to a specific fuel property, the compliance option that each gallon of gasoline must meet for that specified fuel property as contained in the PM alternative specifications.

"Produce" means:

Except as otherwise provided, to convert a liquid compound that is not Arizona CBG or AZRBOB into Arizona CBG or AZRBOB. If a person blends a blendstock that is not Arizona CBG or AZRBOB with Arizona CBG or AZRBOB acquired from another person, and the resulting blend is Arizona CBG or AZRBOB, the person conducting the blending produces only the portion of the blend not previously Arizona CBG or AZRBOB. If a person blends Arizona CBG or AZRBOB with other Arizona CBG or AZRBOB in accordance with this Article, without the addition of a blendstock that is not Arizona CBG or AZRBOB, that person is not a producer of Arizona CBG or AZRBOB.

If a person supplies Arizona CBG or AZRBOB to a refiner that agrees in writing to further process the Arizona CBG or AZRBOB at the refiner's refinery and be treated as the producer of Arizona CBG or AZRBOB, the refiner is the producer of the Arizona CBG or AZRBOB.

If an oxygenate blender blends oxygenates into AZRBOB supplied from a gasoline production or import facility, and does not alter the quality or

quantity of the AZRBOB or the quality or quantity of the resulting Arizona CBG certified by a registered supplier in any other manner except for the addition of a deposit-control or similar additive, the producer or importer of the AZRBOB, rather than the oxygenate blender, is considered the producer or importer of the full volume of the resulting Arizona CBG.

"Producer" means a refiner or other person that produces a motor fuel, including Arizona CBG or AZRBOB.

"Production facility" means a facility at which a motor fuel, including Arizona CBG or AZRBOB, is produced. Upon request of a producer, the Director may designate, as part of the producer's production facility, a physically separate bulk storage facility that:

Is owned or leased by the producer;

Is operated by or at the direction of the producer; and

Is used to store or distribute motor fuels, including Arizona CBG or AZRBOB, that are supplied only from the production facility.

"Product transfer document" means a bill of lading, loading ticket, manifest, delivery receipt, invoice, or other paper that is provided by the transferor at the time motor fuel is delivered and evidences that custody or title of the motor fuel is transferred to the transferee. A product transfer document is not required when motor fuel is sold or dispensed at a motor fuel dispensing site or fleet vehicle fueling facility.

"Refiner" means a person that owns, leases, operates, controls, or supervises a refinery in the United States, including its trust territories.

"Refinery" means a facility that produces a liquid fuel, including Arizona CBG or AZRBOB, by distilling petroleum, or a transmix facility that produces a motor fuel offered for sale or sold into commerce as a finished motor fuel.

"Registered supplier" means a producer or importer that supplies Arizona CBG or AZRBOB and is registered with the Director under R20-2-750.

"Reproducibility" means the testing method margin of error as provided in the ASTM specification or other testing method required under this Article.

"RVP" means Reid vapor pressure equivalent of gasoline or blendstock as measured according to ASTM D 5191.

"Supply" means to provide or transfer motor fuel to a physically separate facility, vehicle, or transportation system.

"Test result" means any document that contains a result of testing including all original test measures, all subsequent test measures that are not identical to the original test measure, and all worksheets on which calculations are performed.

"Third-party terminal" means an owner or operator of a gasoline storage tank facility that accepts custody, but not ownership, of Arizona CBG or AZRBOB from a registered supplier, oxygenate blender, pipeline, or other third-party terminal and relinquishes custody of the Arizona CBG or AZRBOB to a transporter.

"Transmix" means a mixture of petroleum distillate fuel and gasoline that does not meet the Arizona standards for either petroleum distillate fuels or gasoline.

"Transmix facility" means a facility at which transmix is processed into its components and then the components either are combined with a finished product or further processed to produce a finished motor fuel.

"Transporter" means a person that causes motor fuels, including Arizona CBG or AZRBOB, to be transported into or within Arizona.

"Type 1 Arizona CBG" means a gasoline that meets the standards contained in R20-2-751(A) and Table 1.

"Type 2 Arizona CBG" means a gasoline that meets the standards contained in Table 2 or is certified using the PM according to the requirements of R20-2-751(G), (H), and (I), and:

Meets the requirements in R20-2-751(A) beginning February 1 through October 31 of each year; and

Meets the requirements in R20-2-751(B) beginning November 1 through January 31 of each year.

"Vehicle emissions control area" has the same meaning as in A.R.S. § 49-541 except that a vehicle emissions control area does not include a manufacturer's proving ground that is located in the vehicle emissions control area.

"VOC" means volatile organic compound.

"Winter" means November 1 through January 31.

Historical Note

Former Section R4-31-204(K) and Section R4-31-205(A)(1) through (5) renumbered without change as Section R4-31-701 (Supp. 89-1). Amended as R4-31-204(O) and incorporated into R4-31-701 effective September 29, 1989 (Supp. 89-3). Amended effective October 12, 1990 (Supp. 90-4). Amended by emergency amendment effective September 20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency amendments adopted again without change effective December 20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency amendments adopted again without change effective March 20, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Amended with changes effective August 17, 1992 (Supp. 92-3). R20-2-701 recodified from R4-31-701 (Supp. 95-1). Amended effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim amendment expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently amended October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 7 A.A.R. 1025, effective February 9, 2001 (Supp. 01-1). Amended by final rulemaking at 12 A.A.R. 3722, effective September 12, 2006 (Supp. 06-3).

R20-2-702. Material Incorporated by Reference

A. The following documents are incorporated by reference and on file with the Department. The documents incorporated by reference contain no future editions or amendments.

1. 16 CFR 306 - Automotive Fuel Ratings, Certification and Posting, January 1, 1998 Edition, Superintendent of Documents, U.S. Government Printing Office, Mail Stop SSOP, Washington, D.C. 20402-9328.
2. ASTM D 975-04c, Standard Specification for Diesel Fuel Oils, 2004, American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.
3. ASTM D 4806-04a, Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel, 2004, American

Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.

4. ASTM D 4814-04a, Standard Specification for Automotive Spark-Ignition Engine Fuel, 2004, American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.
5. Waiver Requests under Section 211(f) of the Clean Air Act, (August 22, 1995 edition), United States Environmental Protection Agency, Transportation and Regional Programs Division, Fuels Program Support Group, Mail Code 6406-J, Washington, D.C. 20460.
6. ASTM D 5798-99, Standard Specification for Fuel Ethanol (Ed75-Ed85) for Automotive Spark-Ignition Engines, re-approved 2004, American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.
7. ASTM D 6751-03a, Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels, 2003, American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.
8. California Air Resources Board, "California Procedures for Evaluating Alternative Specifications for Phase 2 Reformulated Gasoline Using the California Predictive Model," adopted April 20, 1995. A copy may be obtained at: CARB, P.O. Box 2815, Sacramento, CA 95812.
9. California Air Resources Board, "California Procedures for Evaluating Alternative Specifications for Phase 3 Reformulated Gasoline Using the California Predictive Model," as amended April 25, 2001. A copy may be obtained at: CARB, P.O. Box 2815, Sacramento, CA 95812.
10. The Federal Complex Model as contained in 40 CFR 80.45, January 1, 1999. A copy may be obtained at: U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, D.C. 20402-9328.
11. California Air Resources Board, The California Reformulated Gasoline Regulations, Title 13, California Code of Regulations, Section 2266.5 (Requirements Pertaining to California Reformulated Gasoline Blendstock for Oxygen Blending (CARBOB) and Downstream Blending), as of April 9, 2005. A copy may be obtained at: CARB, P.O. Box 2815, Sacramento, CA 95812.
12. California Air Resources Board, Procedures for Using the California Model for California Reformulated Gasoline Blendstocks for Oxygenate Blending (CARBOB), adopted April 25, 2001. A copy may be obtained at: CARB, P.O. Box 2815, Sacramento, CA 95812.

B. Subsections (A)(9), (A)(11), and (A)(12) will not become effective until Arizona's revised State Implementation Plan regarding CARB 3 is approved by EPA.

Historical Note

Adopted by emergency amendment effective September 20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency rule adopted again without change effective December 20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again without change effective March 20, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Adopted with changes effective August 17, 1992 (Supp. 92-3). R20-2-702 recodified from R4-31-702 (Supp. 95-1). Amended by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2). Amended by final rulemaking at 12 A.A.R. 3722, effective September 12, 2006 (Supp. 06-3).

R20-2-703. Volumetric Inspection of Motor Fuels and Motor Fuel Dispensers

A. After completing an inspection, the Department shall return all motor fuel to the owner or operator of the service station at the site where the Department collected the motor fuel.

B. After completing an inspection, if a motor fuel cannot be returned to the owner or operator of the service station at the site where the Department collected the motor fuel, the Department shall transport the motor fuel to another site of the owner or operator's choice and within a 20-mile radius of the inspection site.

Historical Note

Former Section R4-31-204(A) renumbered without change as Section R4-31-703 (Supp. 89-1). Amended effective October 12, 1990 (Supp. 90-4). R20-2-703 recodified from R4-31-703 (Supp. 95-1). Amended by final rulemaking at 5 A.A.R. 4312, effective October 18. 1999 (Supp. 99-4).

R20-2-704. Price and Grade Posting on External Signs

A. A person who owns or operates a service station that has an external sign shall ensure that the sign:

1. Identifies whether the price differs depending on whether the payment is cash, credit, or debit;
2. Identifies the self-service and full-service prices, if different;
3. Discloses the full price of motor fuel including fractions of a cent and all federal and state taxes, if the sign displays the motor fuel price. A decimal point shall be used in the displayed price when a dollar sign precedes the posted price;
4. Displays lettering at a height of at least 1/5 of the letter height of the motor fuel price displayed on the external sign or 2 1/2", whichever is larger, and is visible from the road;
5. States the terms of any condition if the displayed price is conditional upon the sale of another product or service. The terms of any condition shall comply with the letter height requirement in subsection (A)(4);
6. Describes diesel fuel as No. 1 diesel, #1 diesel, No. 2 diesel, #2 diesel, or biodiesel; and
7. Identifies the unit of measure of the price, if it is other than per gallon.

B. Effective June 5, 2004, if a sign uses the following terms to describe a gasoline grade or gasoline-oxygenate blend, the grade or blend shall meet the following minimum antiknock index:

	Term	Minimum Antiknock Index
1.	Regular, Reg, Unleaded, UNL, or UL	87
2.	Midgrade, Mid, or Plus	89
3.	Premium, PREM, Super, Supreme, High, or High Performance	91

Historical Note

Former Section R4-31-204(B) renumbered without change as Section R4-31-704 (Supp. 89-1). Amended effective October 12, 1990 (Supp. 90-4). Amended effective August 17, 1992 (Supp. 92-3). R20-2-704 recodified from R4-31-704 (Supp. 95-1). Former Section R20-2-704 repealed; new Section R20-2-704 renumbered from R20-2-705 and amended by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4). Amended by final rulemaking at 10 A.A.R. 1690,

effective June 5, 2004 (Supp. 04-2).

R20-2-705. Price, Octane, and Lead-substitute Notification on Dispensers

A. A service station owner or operator shall ensure that information regarding pricing, motor fuel grade, octane rating, and lead-substitute addition displayed on a service station motor fuel dispenser:
1. Is clean, legible, and visible at all times;
2. Is displayed electronically or with a sign or label on the upper 60 percent of each face of the dispenser;
3. Lists the full price of the motor fuel including fractions of a cent and all federal and state taxes;
4. Displays the highest price of motor fuel sold from the dispenser if the dispenser is capable of dispensing and computing the price of multiple grades of motor fuel;
5. Displays a discount, if offered, in letters at least 1/4" in height on each face of the dispenser and next to the undiscounted price;
6. Displays both a cash and credit price on a dispenser that is capable of electronically displaying both cash and credit prices;
7. Posts both a cash and credit price on each face of a dispenser that is preset by the cashier if the dispenser is unable to display electronically and simultaneously both cash and credit prices;
8. Posts a price-per-gallon sign next to or on a non-price computing dispenser for a retail-only sale of liquefied petroleum gas used as an alternative motor fuel; and
9. Complies with the requirements of R20-2-704(A)(1), (A)(2), (A)(3), (A)(5), (A)(6), and (A)(7).

B. A person who owns or operates a service station shall ensure that:
1. The octane rating of each grade of gasoline is displayed on the upper 60 percent of each face of each dispenser, as prescribed by 16 CFR 306; and
2. The signs required by Handbook 130, for gasoline dispensers that dispense gasoline with lead substitute, are displayed on the upper 60 percent of each face of each dispenser in letters at least 1/4" in height.

Historical Note

Former Section R4-31-204(C) renumbered without change as Section R4-31-705 (Supp. 89-1). Amended effective August 17, 1992 (Supp. 92-3). R20-2-705 recodified from R4-31-705 (Supp. 95-1). Former Section R20-2-705 renumbered to R20-2-704; new Section R20-2-705 renumbered from R20-2-706 and amended by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

R20-2-706. Unattended Retail Dispensers

In addition to all labeling and sign requirements in this Article, an owner or operator of an unstaffed service station shall post on or next to each motor fuel dispenser a sign or label, in public view, that conspicuously lists the owner's or operator's name, address, and telephone number.

Historical Note

Former Section R4-31-204(D) renumbered without change as Section R4-31-706 (Supp. 89-1). Amended effective August 17, 1992 (Supp. 92-3). R20-2-706 recodified from R4-31-706 (Supp. 95-1). Former Section R20-2-706 renumbered to R20-2-705; new Section R20-2-706 renumbered from R20-2-707 and amended by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4).

R20-2-707. Product Transfer Documentation and Record Retention for Motor Fuel other than Arizona CBG and AZRBOB

A. If a person transfers custody or title to a motor fuel that is not Arizona CBG or AZRBOB, and the motor fuel is not sold or dispensed at a service station or fleet vehicle fueling facility, the person shall provide to the transferee documents that include the following information:
1. The name and address of the person transferring custody or title;
2. The name and address of the transferee;
3. The grade of the motor fuel;
4. The volume of each grade of motor fuel being transferred;
5. The date of the transfer;
6. Product transfer document number;
7. For conventional gasoline, the minimum octane rating of each grade;
8. For conventional gasoline, the type and maximum volume of oxygenate contained in each grade;
9. For conventional gasoline transported in or through the CBG covered area, the statement, "This gasoline is not intended for use inside the CBG covered area"; and
10. Whether a lead substitute is present in the gasoline and the type of lead substitute present.

B. A registered supplier, third-party terminal, or pipeline may use standardized product codes on pipeline tickets as the product transfer documentation.

C. A person identified in subsection (A) shall retain product transfer documentation for each shipment delivered for 12 months. This documentation shall be available within two working days from the time of the Department's request.

D. A person identified in subsection (A) shall maintain product transfer documentation for a transfer or delivery during the preceding 30 days at that person's address listed on the product transfer documentation.

E. A service station owner or operator or fleet owner shall maintain product transfer documentation for the three most recent deliveries of each grade of motor fuel on the service station owner's or operator's or fleet owner's premises. This documentation shall be available for Department review.

F. The Department shall accept a legible photocopy of a product transfer document instead of the original.

G. A person transferring custody or title of Arizona CBG or AZRBOB shall comply with R20-2-757.

Historical Note

Former Section R4-31-204(E) renumbered without change as Section R4-31-707 (Supp. 89-1). Amended effective August 17, 1992 (Supp. 92-3). R20-2-707 recodified from R4-31-707 (Supp. 95-1). Former Section R20-2-707 renumbered to R20-2-706; new Section R20-2-707 renumbered from R20-2-709 and amended by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4).

R20-2-708. Oxygenated Fuel Blends

A person that has custody of gasoline blended with an oxygenate shall ensure that the amount of oxygenate does not exceed the amount allowed by EPA waivers, Section 211(f) of the Clean Air Act, and A.R.S. § 41-2122. The maximum oxygen content of gasoline shall not exceed 3.7 percent by weight for fuel ethanol and as specified in A.R.S. § 41-2122 for other oxygenates.

Historical Note

Former Section R4-31-204(F) renumbered without change as Section R4-31-708 (Supp. 89-1). Amended

effective October 12, 1990 (Supp. 90-4). R20-2-708 recodified from R4-31-708 (Supp. 95-1). Former Section R20-2-708 repealed; new Section R20-2-708 renumbered from R20-2-710 and amended by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4). Amended by final rulemaking at 12 A.A.R. 3722, effective September 12, 2006 (Supp. 06-3).

R20-2-709. Retail Oxygenated Fuel Labeling

A. The owner or operator of a motor fuel dispensing site shall ensure that a motor fuel dispenser that offers gasoline containing fuel ethanol that results in a gasoline blend containing 1.5 percent or more by weight of oxygen is clearly labeled with the fuel ethanol volume information. Each face of each motor fuel dispenser shall be clearly labeled with the oxygenate volume information if the percent by volume is more than 4.3 percent by volume of fuel ethanol.

B. The owner or operator of a motor fuel dispensing site shall ensure that labels required under subsection (A) are displayed on the upper 60 percent of each face of each motor fuel dispenser. The label indicating the maximum percent by volume of oxygenate contained in the oxygenated fuel shall state: "Contains up to _____ % fuel ethanol."

C. In the CBG-covered area and area B, the owner or operator of a motor fuel dispensing site shall ensure that a label displayed on each face of each motor fuel dispenser contains the following statement: "This gasoline is oxygenated and will reduce carbon monoxide emissions from motor vehicles." The statement may be printed on the label required in subsection (B) or on a separate label. If the statement is printed on a separate label, the label shall be displayed next to the label required in subsection (B).

D. The owner or operator of a motor fuel dispensing site shall ensure that:

1. The label required by subsection (B) is clean, legible, and visible at all times;
2. The label is printed in black or white block letters on a sharply contrasting background; and
3. The lettering on labels required by subsections (B) and (C) is no less than 1/4".

Historical Note

Former Section R4-31-204(G) renumbered without change as Section R4-31-709 (Supp. 89-1). Former R4-31-709 repealed, new Section R4-31-709 adopted by emergency action effective September 20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Former R4-31-709 repealed again, new Section R4-31-709 adopted again without change by emergency action effective December 20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Former R4-31-709 repealed again, new Section adopted again by emergency action without change effective March 20, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Former Section R4-31-709 repealed, new Section R4-31-709 adopted with changes effective August 17, 1992 (Supp. 92-3). R20-2-709 recodified from R4-31-709 (Supp. 95-1). Amended effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim amendment expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently amended October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Former Section R20-2-709 renumbered to R20-2-707; new Section R20-2-709 renumbered from R20-2-711 and amended by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4). Amended by final rulemaking at 12 A.A.R. 3722, effective September 12, 2006 (Supp. 06-3).

R20-2-710. Blending Requirements

A. A person that has custody of or transports an oxygenated gasoline blend shall ensure that no neat oxygenate blending occurs at a motor fuel dispensing site or fleet vehicle fueling facility.

B. If a motor fuel dispensing site storage tank contains an oxygenated gasoline blend that does not contain the amount of oxygen required by A.R.S. §§ 41-2122, 41-2123, 41-2125, or R20-2-751, the owner or operator of the motor fuel dispensing site shall do one of the following:

1. Add gasoline that contains no more than 20 percent by volume of the same oxygenate to the non-compliant oxygenated gasoline blend;
2. Add a gasoline blend that dilutes the non-compliant oxygenated gasoline blend to the level of oxygen content required by A.R.S. §§ 41-2122, 41-2123, 41-2125, or R20-2-751; or
3. Empty the storage tank and replace the non-compliant oxygenated gasoline blend with a required oxygenate blend.

Historical Note

Former Section R4-31-204(H) renumbered without change as Section R4-31-710 (Supp. 89-1). Amended effective February 21, 1990 (Supp. 90-1). See emergency amendment below (Supp. 92-1). Amended by emergency action effective September 20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency amendments adopted again without change effective December 20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency amendments adopted again without change effective March 20, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Amended effective August 17, 1992 (Supp. 92-3). R20-2-710 recodified from R4-31-710 (Supp. 95-1). Former Section R20-2-710 renumbered to R20-2-708; new Section R20-2-710 renumbered from R20-2-713 and amended by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4). Amended by final rulemaking at 12 A.A.R. 3722, effective September 12, 2006 (Supp. 06-3).

R20-2-711. Alcohol-oxygenated Gasoline Storage Tank Requirements

A. Before a person adds an alcohol-oxygenated gasoline into a storage tank, the person shall:

1. Test the storage tank for the presence of water and, if any water is detected, remove the water from the storage tank; and
2. Install a fuel filter designed for use with alcohol-oxygenated gasoline in the fuel line of all motor fuel dispensers that dispense alcohol-oxygenated gasoline.

B. If water is detected in a storage tank or in an alcohol-oxygenated gasoline in a storage tank, the owner or operator shall empty the storage tank.

Historical Note

Former Section R4-31-204(I) renumbered without change as Section R4-31-711 (Supp. 89-1). Section repealed, new Section adopted effective February 21, 1990 (Supp. 90-1). Amended effective October 1, 1990 (Supp. 90-4). Amended by emergency action effective September 20, 1991, pursuant to A.R.S. § 41-1026, valid

for only 90 days (Supp. 91-3). Emergency amendments adopted again without change effective December 20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency amendments adopted again without change effective March 20, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Amended with changes effective August 17, 1992 (Supp. 92-3). R20-2-711 recodified from R4-31-711 (Supp. 95-1). Former Section R20-2-711 renumbered to R20-2-709; new Section R20-2-711 renumbered from R20-2-715 and amended by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4). Amended by final rulemaking at 12 A.A.R. 3722, effective September 12, 2006 (Supp. 06-3).

R20-2-712. Water in Service Station Motor Fuel Storage Tanks

A service station owner or operator shall ensure that water in a service station motor fuel storage tank other than an alcohol gasoline blend, does not exceed 1" in depth when measured from the bottom through the fill pipe. The service station owner or operator shall remove all water from the tank before delivery or sale of motor fuel from that tank.

Historical Note

Former Section R4-31-204(J) renumbered without change as Section R4-31-712 (Supp. 89-1). Section repealed, new Section adopted effective February 21, 1990 (Supp. 90-1). Amended by emergency action effective September 20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency amendments adopted again without change effective December 20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency amendments adopted again without change effective March 20, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Amended with changes effective August 17, 1992 (Supp. 92-3). R20-2-712 recodified from R4-31-712 (Supp. 95-1). Former Section R20-2-712 repealed; new Section R20-2-712 renumbered from R20-2-716 by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4).

R20-2-713. Motor Fuel Storage Tank Labeling

A. A service station owner or operator shall ensure that all motor fuel storage tank fill pipes and gasoline vapor return lines located at a service station are labeled to identify the contents accurately as:
1. Unleaded gasoline,
2. Unleaded midgrade gasoline,
3. Unleaded premium gasoline,
4. No. 1 or #1 diesel fuel,
5. No. 2 or #2 diesel fuel, or
6. Gasoline vapor return.

B. A service station owner or operator shall ensure that labels are at least 1 1/2" x 5" with at least 1/4" black or white block lettering on a sharply contrasting background and that the label is clean, visible, and legible at all times.

C. A service station owner or operator may display other information on the reverse side of a two-sided label.

D. A service station owner or operator shall not put motor fuel into storage tanks without attaching the proper label.

Historical Note

Adopted as R4-31-204(K) and renumbered as R4-31-713 effective September 29, 1989 (Supp. 89-3). Amended effective October 12, 1990 (Supp. 90-4). R20-2-713 recodified from R4-31-713 (Supp. 95-1). Former Section R20-2-713 renumbered to R20-2-710; new Section R20-2-713 renumbered from R20-2-717 and amended by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4).

R20-2-714. Requirements for Motor Fuels Outside the CBG-covered Area

A. A person that owns or operates a motor fuel dispensing site or transmix or production facility outside the CBG-covered area shall ensure that a motor fuel offered for sale at the motor fuel dispensing site or transmix or production facility meets all the appropriate specifications in R20-2-702 except:
1. From May 1 through September 30, gasoline shall meet the specifications in ASTM D 4814-04a except maximum vapor pressure shall be 9.0 pounds per square inch;
2. For gasoline blends, the vapor pressure may be no more than one pound per square inch greater than the vapor pressures established by ASTM D 4814-04a during:
   a. May 1 through September 15, if the gasoline-fuel ethanol blend meets the requirements of ASTM D 4814-04a, the volatility requirements of subsection (A)(1), and the final gasoline-fuel ethanol blend contains at least nine percent fuel ethanol by volume but does not exceed the volume specified in EPA waivers; and
   b. September 16 through April 30, if the gasoline-fuel ethanol blend meets the requirements of ASTM D 4814-04a and the final gasoline-fuel ethanol blend contains at least 1.5 percent fuel ethanol by weight but does not exceed the volume specified in EPA waivers.

B. The owner or operator of a motor fuel dispensing site shall ensure that the finished gasoline is visually free of water, sediment, and suspended matter and is clear and bright at ambient temperature or 70° F (21° C), whichever is greater.

C. The owner or operator of a motor fuel dispensing site or transmix or production facility shall ensure that the minimum octane rating determined by the test average of ASTM D 2699 and ASTM D 2700, also known as the (R+M)/2 method, is:
1. 87 for unleaded or regular;
2. 88 for mid-grade, extra, or any other gasoline with an octane rating of 88 or higher; and
3. 90 for super, high performance, premium, or any other gasoline with an octane rating of 90 or higher.

D. Prohibited activities regarding a motor fuel sold or offered for sale outside the CBG-covered area.
1. The owner or operator of a motor fuel dispensing site shall not sell or offer for sale from the motor fuel dispensing site storage tank a product that is not a motor fuel;
2. The owner or operator of a motor fuel dispensing site or transmix or production facility shall not sell or offer for sale a motor fuel that contains more than 0.3 volume percent MTBE or more than 0.1 weight percent oxygen from all other ethers or alcohols as listed in A.R.S. § 41-2122.
3. A transporter shall not deliver to a motor fuel dispensing site or place in a motor fuel dispensing site storage tank a product that is not motor fuel.

Historical Note

Adopted as R4-31-204(L) and renumbered as R4-31-714 effective September 29, 1989 (Supp. 89-3). R20-2-714 recodified from R4-31-714 (Supp. 95-1). Former Section R20-2-714 repealed; new Section R20-2-714 renumbered from R20-2-718 and amended by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2). Amended by final

rulemaking at 12 A.A.R. 3722, effective September 12, 2006 (Supp. 06-3).

R20-2-715. Motor Fuel Quality Testing Methods and Requirements

A. Unless otherwise required in A.R.S. Title 41, Chapter 15, or this Chapter, the producer of a motor fuel shall test the motor fuel for its motor fuel properties using the methodologies in R20-2-702 and ensure that the motor fuel meets the applicable specifications in the material incorporated by reference in R20-2-702.

B. Unless otherwise required in A.R.S. Title 41, Chapter 15, or this Chapter, a person testing #1 or #2 diesel fuel shall use the methodologies and meet the specifications of ASTM D 975-04c.

C. The owner or operator of a transmix or production facility shall ensure that all gasoline sold or offered for sale outside the CBG-covered area has its octane rating determined and certified in accordance with 16 CFR 306 using the average of ASTM D 2699 and ASTM D 2700, also known as the (R+M)/2 method. The owner or operator of a motor fuel dispensing site shall ensure that all gasoline sold or offered for sale outside the CBG-covered area has its octane rating posted in accordance with 16 CFR 306.

Historical Note

Adopted as R4-31-204(M) and renumbered as R4-31-715 effective September 29, 1989 (Supp. 89-3). Amended effective October 12, 1990 (Supp. 90-4). Amended by emergency action effective September 20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency amendments adopted again without change effective December 20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency amendments adopted again without change effective March 20, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Amended with changes effective August 17, 1992 (Supp. 92-3). R20-2-715 recodified from R4-31-715 (Supp. 95-1). Former Section 20-2-715 renumbered to R20-2-711; new Section R20-2-715 renumbered from R20-2-720 and amended by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2). Amended by final rulemaking at 12 A.A.R. 3722, effective September 12, 2006 (Supp. 06-3).

R20-2-716. Sampling and Access to Records

A. The Department shall obtain motor fuel samples for testing from:

1. The same motor fuel dispenser used for sales to customers;
2. The same motor fuel dispenser used for dispensing motor fuel into fleet vehicles;
3. A bulk storage facility;
4. A pipeline having custody of motor fuel, including Arizona CBG or AZRBOB;
5. A transporter of motor fuel, including Arizona CBG or AZRBOB;
6. A final distribution facility;
7. A third-party terminal having custody of motor fuel, including Arizona CBG or AZRBOB;
8. An oxygenate blender or registered supplier; or
9. A transmix or production facility.

B. An owner or operator of a motor fuel dispensing site, pipeline, third-party terminal, or storage, transmix, production, or distribution facility, or a transporter, registered supplier, or oxygenate blender shall maintain for five years records relating to producing, importing, blending, transporting, distributing, delivering, testing, or storing motor fuels, including Arizona CBG or AZRBOB, and shall make the records available for Department inspection upon request.

Historical Note

Adopted as R4-31-204(N) and renumbered as R4-31-716 effective September 29, 1989 (Supp. 89-3). Repealed effective October 12, 1990 (Supp. 90-4). New Section R4-31-716 adopted effective August 17, 1992 (Supp. 92-3). R20-2-716 recodified from R4-31-716 (Supp. 95-1). Former Section R20-2-716 renumbered to R20-2-712; new Section R20-2-716 renumbered from R20-2-721 and amended by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4). Amended by final rulemaking at 12 A.A.R. 3722, effective September 12, 2006 (Supp. 06-3).

R20-2-717. Hold-open Latch Exception

If an owner or operator of a motor fuel dispensing site has a motor fuel nozzle equipped with a hold-open latch, the owner or operator shall ensure that the latch operates according to the manufacturer's specifications.

Historical Note

Adopted effective October 19, 1989 (Supp. 89-4). Amended effective August 17, 1992 (Supp. 92-3). R20-2-717 recodified from R4-31-717 (Supp. 95-1). Section R20-2-717 renumbered to R20-2-713 by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4). New Section made by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2). Amended by final rulemaking at 12 A.A.R. 3722, effective September 12, 2006 (Supp. 06-3).

R20-2-718. Requirements for the Production or Sale of E85

A. Requirements applicable statewide.

1. A producer of E85 or the owner or operator of a motor fuel dispensing site that dispenses E85 shall ensure that the E85 sold or offered for sale in Arizona meets all the specifications in ASTM D 5798-99.
2. An owner or operator of a motor fuel dispensing site shall ensure that both the motor fuel dispenser and nozzle from which E85 is dispensed have labels affixed that indicate E85 is not gasoline and is intended for use only in a flexible-fuel vehicle, and stating, "Check your owner's manual to ensure that this fuel can be used in your vehicle."
3. An owner or operator of a motor fuel dispensing site shall ensure that any motor fuel dispenser from which E85 is dispensed is compatible with E85 and meets the requirements in R20-2-203.
4. A producer of E85 shall report to the Department, by the 15th of the month following the production of E85, the following information regarding the E85 production:
   a. The amount of fuel ethanol used during the previous month,
   b. The amount of gasoline used during the previous month,
   c. The total amount of E85 produced during the previous month,
   d. The total amount of E85 sold during the previous month,
   e. The fuel quality properties for the gasoline and fuel ethanol components making up each batch of E85, and
   f. The fuel quality properties of each batch of final E85 blend.

B. Requirements applicable in the CBG-covered area.

1. A producer of E85 for sale in the CBG-covered area shall use Arizona CBG or AZRBOB as the gasoline portion of the E85 blend.
2. A producer of E85 for sale in the CBG-covered area shall ensure that the fuel ethanol used meets the standard in R20-2-751(C).

Historical Note
Former Section R4-31-205(B) renumbered without change as R4-31-718 (Supp. 89-1). Amended as R4-31-205(B) and incorporated into R4-31-728 effective September 29, 1989 (Supp. 89-3). Amended effective February 21, 1990 (Supp. 90-1). Subsections (3) through (10) corrected (Supp. 91-3). Amended by emergency action effective September 20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency amendments adopted again without change effective December 20, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency amendments adopted again without change effective March 20, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Amended with changes effective August 17, 1992 (Supp. 92-3). R20-2-718 recodified from R4-31-718 (Supp. 95-1). Section R20-2-718 renumbered to R20-2-714 by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4). New Section made by final rulemaking at 12 A.A.R. 3722, effective September 12, 2006 (Supp. 06-3).

R20-2-719. Requirements for the Sale of Biodiesel

A. A person shall not sell or offer or expose for sale:
1. Biodiesel that is not tested or does not meet the specifications established by ASTM D 6751,
2. A blend of biodiesel and diesel fuel that is not tested or does not meet the specifications established by ASTM D 975-04c, or
3. Biodiesel or a blend of biodiesel and diesel fuel for use in Area A that contains sulfur in excess of 15 ppm.

B. *A person who blends biodiesel that is intended as a final product for the fueling of motor vehicles shall report to the director by the fifteenth day of each month the quantity and quality of biodiesel shipped to or produced in this state during the preceding month. A person who supplies biodiesel subject to this subsection shall report the following by batch:*
1. *The percentage of biodiesel in a final blend.*
2. *The volume of the finished product.*
3. *For neat biodiesel, the results of analysis for those parameters established by ASTM D6751.*
4. *For biodiesel blended with any diesel fuel, the results of the analysis of the following motor fuel parameters as established by ASTM D975:*
   a. *Sulfur content.*
   b. *Aromatic hydrocarbon content.*
   c. *Cetane number.*
   d. *Specific gravity.*
   e. *American petroleum institute gravity.*
   f. *The temperatures at which ten per cent, fifty per cent and ninety per cent of the diesel fuel boiled off during distillation.* A.R.S. § 41-2083(L).

C. A person required to submit a report under subsection (B) shall use a form prescribed by the Director, certify the truthfulness and accuracy of the data submitted, and consent to the Department or its authorized agent collecting samples and accessing records as provided in this Article. A corporate officer who is responsible for operations at the facility that produces or ships the final product shall sign the report.

D. A person shall label a dispenser at which biodiesel is dispensed in a manner that notifies other persons of the volume percentage of biodiesel in the finished product and with the statement: "This fuel contains biodiesel. Check the owner's manual or with your engine manufacturer before using."

Historical Note
Former Section R4-31-205(C) and (D) renumbered without change as R4-31-719 (Supp. 89-1). Amended as R4-31-205(C) and (D) and incorporated into R4-31-719 effective September 29, 1989 (Supp. 89-3). Amended effective August 17, 1992 (Supp. 92-3). R20-2-719 recodified from R4-31-719 (Supp. 95-1). Section repealed by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4). New Section made by final rulemaking at 12 A.A.R. 3722, effective September 12, 2006 (Supp. 06-3).

R20-2-720. Renumbered

Historical Note
Former Section R4-31-205(E) renumbered without change as R4-31-720 (Supp. 89-1). Amended effective August 17, 1992 (Supp. 92-3). R20-2-720 recodified from R4-31-720 (Supp. 95-1). Section R20-2-720 renumbered to R20-2-715 by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4).

R20-2-721. Renumbered

Historical Note
Former Section R4-31-205(F) renumbered without change as R4-31-721 (Supp. 89-1). Amended as R4-31-205(F) and incorporated into R4-31-721 effective September 29, 1989 (Supp. 89-3). Amended effective October 12, 1990 (Supp. 90-4). Heading amended effective August 17, 1992 (Supp. 92-3). R20-2-721 recodified from R4-31-721 (Supp. 95-1). Amended effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim amendment expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently amended October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Section R20-2-721 renumbered to R20-2-716 by final rulemaking at 5 A.A.R. 4312, effective October 18, 1999 (Supp. 99-4).

R20-2-722. Reserved
through
R20-2-749. Reserved

Editor's Note: The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Chapter 117, § 3. Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval. Although exempt from certain provisions of the Administrative Procedure Act, the Department was required to publish these rules in the Arizona Administrative Register and provide reasonable notice and at least one public hearing on the rules (Supp. 97-3). The exempt rules expired when the Section was permanently adopted with changes (Supp. 98-3).

R20-2-750. Registration Relating to Arizona CBG or AZRBOB

A. Each of the following shall register with the Director before producing, importing, or obtaining custody of Arizona CBG or AZRBOB:

1. A refiner that produces Arizona CBG or AZRBOB;
2. An importer that imports Arizona CBG or AZRBOB;
3. An oxygenate blender that blends oxygenate with AZRBOB to produce Arizona CBG; or
4. A pipeline or third-party terminal that has custody of Arizona CBG or AZRBOB.

B. A person listed in subsection (A) shall register on a form prescribed by the Director and include the following information:
1. Business name, business address, and contact name or position title and telephone number;
2. For each refinery or oxygenate blending facility, the facility name, physical location, contact name or position title and telephone number, and type of facility;
3. For each refinery, oxygenate blending facility, or importer:
   a. The location of the records required under this Article. If records are kept off-site, the primary off-site storage facility name, physical location, and contact name or position title and telephone number; and
   b. If an independent laboratory is used to meet the requirements of R20-2-752(F), the name and address of the independent laboratory, and contact name or position title and telephone number;
4. If required under 40 CFR 80.76(d), the EPA registration number; and
5. A statement of consent permitting the Department or its authorized agent to collect samples and access records as provided in R20-2-716.

C. A person registered under subsection (B) shall notify the Director within 10 days after the effective date of a change in any of the information provided under subsection (B).

D. If a refiner, importer, or oxygenate blender fails to register under this Section, all Arizona CBG or AZRBOB produced by the refiner or oxygenate blender or imported by the importer and transported to the CBG-covered area is presumed to be noncompliant from the date that registration should have occurred.

E. The Department shall maintain a list of all registered suppliers.

Historical Note

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 12 A.A.R. 3722, effective September 12, 2006 (Supp. 06-3).

Editor's Note: The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Chapter 117, § 3. Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval. Although exempt from certain provisions of the Administrative Procedure Act, the Department was required to publish these rules in the Arizona Administrative Register and provide reasonable notice and at least one public hearing on the rules (Supp. 97-3). The exempt rules expired when the Section was permanently adopted with changes (Supp. 98-3).

R20-2-751. Arizona CBG Requirements

A. General fuel property and performance requirements. In addition to the other requirements of this Article and except as provided in subsection (B), all Arizona CBG shall meet the following requirements and for any fuel property not specified, shall meet the requirements in ASTM D 4814-04a. The dates in this subsection are compliance dates for the owner or operator of a motor fuel dispensing site or a fleet vehicle fueling facility.
1. Sulfur: 80 ppm by weight (max)
2. Aromatics: 50 percent by volume (max)
3. Olefins: 25 percent by volume (max)
4. E200: 70-30 percent volume
5. E300: 100-70 percent volume
6. Maximum Vapor Pressure
   a. October 1 - January 31: 9.0 pounds per square inch (psi)
   b. February: 13.5 psi
   c. March: 11.5 psi
   d. April: 10.0 psi
   e. May: 9.0 psi
   f. June 1 - September 30: 7.0 psi for CARB Phase 2 gasoline and 7.2 psi for CARB Phase 3 gasoline
7. Oxygen and Oxygenates
   a. Minimum Content:
      i. November 1 - January 31: 10 percent fuel ethanol by volume. If A.R.S. § 41-2124(E) petition in effect: 2.7 percent oxygen by weight as approved by the Director.
      ii. February 1 - October 31: 0 percent by weight (any oxygenate).
   b. The maximum oxygen content shall not exceed 3.7 percent by weight for fuel ethanol and as specified in A.R.S. § 41-2122 for other oxygenates, and shall comply with the requirements of A.R.S. § 41-2123.
   c. Arizona CBG shall not contain more than 0.3 volume percent MTBE nor more than 0.1 weight percent oxygen from all other ethers or alcohols listed in A.R.S. § 41-2122.
8. Type 1 Arizona CBG shall meet the Federal Complex Model VOC emissions reduction percentage May 1 through September 15: ≥ 27.5 percent (Federal Complex Model settings: Summer, Area Class B, Phase 2). Type 2 Arizona CBG shall meet CARB Phase 2 or Phase 3 PM requirements.

B. Wintertime requirements. In addition to the other requirements of this Article, the owner or operator of a motor fuel dispensing site or a fleet vehicle fueling facility shall ensure that beginning November 1 through January 31 of each year, all Arizona CBG meets the following fuel property requirements.
1. Sulfur: 80 ppm by weight (max);
2. Aromatics: 30% by volume (max);
3. Olefins: 10% by volume (max);
4. 90% Distillation Temp. (T90): 330° F (max);
5. 50% Distillation Temp. (T50): 220° F (max);
6. Vapor Pressure: 9.0 psi (max); and
7. Oxygenate - Ethanol;
   a. Minimum oxygenate content - 10 percent fuel ethanol by volume;
   b. Maximum oxygen content - 3.7 percent oxygen by weight, and shall comply with the requirements of A.R.S. § 41-2123; and
   c. Alternative minimum fuel ethanol content may be used if approved by the Director under A.R.S. § 41-2124(D).

C. Fuel ethanol specifications. A person that uses fuel ethanol as a blending component with AZRBOB or Arizona CBG shall ensure that the fuel ethanol meets the requirements in ASTM D 4806-04a and the following:

1. A sulfur content not exceeding 10 ppm by weight,
2. An olefins content not exceeding 0.5 percent by volume, and
3. An aromatic hydrocarbon content not exceeding 1.7 percent by volume.

D. General elections. Except as provided in subsection (E), a registered supplier shall make an initial election, and a subsequent election each time a change occurs, before beginning to transport Arizona CBG or AZRBOB. A registered supplier shall make the election with the Director on a form or in a format prescribed by the Director. The election shall state:

1. Whether the registered supplier (at each point where the Arizona CBG or AZRBOB is certified) will supply Arizona CBG or AZRBOB that complies with Type 1 Arizona CBG, Type 2 Arizona CBG, or the PM alternative gasoline formulation requirements and, if the registered supplier will supply Arizona CBG or AZRBOB that complies with the PM alternative gasoline formulation requirements, whether the registered supplier will certify using the CARB Phase 2 or Phase 3 model; and
2. For each applicable fuel property or performance standard in the election under subsection (D)(1), whether the Arizona CBG or AZRBOB will comply with the average standards or per-gallon standards. A registered supplier shall not elect to comply with average standards unless the registered supplier is in compliance with R20-2-760. A registered supplier shall not elect to comply with Type 1 Arizona CBG average standards in Table 1, columns B and C, from September 16 through October 31 and February 1 through April 30.

E. Winter elections. Beginning November 1 through January 31 of each year, a registered supplier shall ensure that all Arizona CBG or AZRBOB complies with Type 2 Arizona CBG requirements or the PM alternative gasoline formulation requirements under Table 2. A registered supplier shall make an initial election, and a subsequent election each time a change occurs, before beginning to transport Arizona CBG or AZRBOB. A registered supplier shall make the election with the Director on a form or in a format prescribed by the Director. The election shall state:

1. Whether the registered supplier (at each point where the Arizona CBG or AZRBOB is certified) will supply Arizona CBG or AZRBOB that complies with the Type 2 Arizona CBG or the PM alternative gasoline formulation requirements; and
2. For each applicable fuel property, whether the Arizona CBG or AZRBOB will comply with the average standards or per-gallon standards.

F. Certification as Type 1 Arizona CBG or Type 2 Arizona CBG. A registered supplier shall certify Arizona CBG or AZRBOB under R20-2-752 as meeting all requirements of the election made in subsection (D) or (E). For each fuel property, Type 1 Arizona CBG shall comply with the requirements in either column A or columns B through D of Table 1, and shall be certified using the Federal Complex Model, which is incorporated by reference in R20-2-702. For each fuel property, Type 2 Arizona CBG shall comply with the requirements of columns A and B (averaging option), or column C in Table 2. The PM alternative gasoline formulation shall meet the requirements of subsections (G), (H), and (I) and column A of Table 2. A registered supplier may certify Arizona CBG or AZRBOB using an equivalent test method that the Department approves using the criteria stated in R20-2-759.

G. Certification and use of Predictive Model for alternative PM gasoline formulations.

1. Except as provided in subsections (G)(4) and (I), a registered supplier shall use the PM as provided in the Predictive Model Procedures.
2. A registered supplier shall certify a PM alternative gasoline formulation with the Director by either:
   a. Submitting to the Director a complete copy of the documentation provided to the executive officer of CARB according to 13 California Code of Regulations, Section 2264 and subsection (I); or
   b. Notifying the Director, on a form prescribed by or in a format acceptable to the Director, of:
      i. The PM alternative specifications that apply to the final blend, including for each specification whether it is a PM flat limit or a PM averaging limit; and
      ii. The numerical values for percent change in emissions for oxides of nitrogen and hydrocarbons determined in accordance with the Predictive Model Procedures.
3. A registered supplier shall deliver the certification required under subsection (G)(2) to the Director before transporting the PM alternative gasoline formulation.
4. Restrictions for elections to sell or supply final blends as PM alternative gasoline formulations.
   a. A registered supplier shall not make a new election to sell or supply from its production or import facility a final blend of Arizona CBG as a PM alternative gasoline formulation if the registered supplier has an outstanding requirement under subsection (J) to provide offsets for fuel properties at the same production or import facility.
   b. If a registered supplier elects to sell or supply from its production or import facility a final blend of Arizona CBG as a PM alternative gasoline formulation subject to a PM averaging compliance option for one or more fuel properties, the registered supplier shall not elect any other compliance option, including another PM alternative gasoline formulation, if an outstanding requirement to provide offsets for fuel properties exists under the provisions of subsection (J). This subsection does not preclude a registered supplier from electing another PM alternative gasoline formulation if:
      i. The PM flat limit for one or more fuel properties is changed to a PM averaging limit, or a single PM averaging limit for which there is no outstanding requirement to provide offsets is changed to a PM flat limit;
      ii. There are no changes to the PM alternative specifications for remaining fuel properties; and
      iii. The new PM alternative formulation meets the criteria in the Predictive Model Procedures.
   c. If a registered supplier elects to sell or supply from the registered supplier's production or import facility a final blend of Arizona CBG as a PM alternative gasoline formulation, the registered supplier shall not use a previously assigned designated alternative limit for a fuel property to provide offsets under subsection (J).
   d. If a registered supplier notifies the Director under subsection (D) or (E) that a final blend of Arizona CBG is sold or supplied from a production or import facility as a PM alternative gasoline formulation, all final blends of Arizona CBG or AZRBOB subsequently sold or supplied from that production or

import facility are subject to the same PM alternative specifications until the registered supplier either:

i. Designates a final blend at that facility as a PM alternative gasoline formulation subject to different PM alternative specifications; or

ii. Elects, under subsection (D) or (E), a final blend at that facility subject to a flat limit compliance option or an averaging compliance option.

H. Prohibited activities regarding PM alternative gasoline formulations. A registered supplier shall not sell, offer for sale, supply, or offer to supply from the registered supplier's production or import facility Arizona CBG that is reported as a PM alternative gasoline formulation under R20-2-752 if any of the following occur:

1. The elected PM alternative specifications do not meet the criteria for approval in the Predictive Model Procedures,
2. The registered supplier is prohibited by subsection (G)(4)(a) from electing to sell or supply the gasoline as a PM alternative gasoline formulation,
3. The gasoline fails to conform with any PM flat limit in the PM alternative specifications election, or
4. With respect to any fuel property for which the registered supplier elects a PM averaging limit:
   a. The gasoline exceeds the applicable PM average limit in Table 2, column B, and no designated alternative limit for the fuel property is established for the gasoline in accordance with subsection (G)(2); or
   b. A designated alternative limit for the fuel property is established for the gasoline in accordance with subsection (G)(2), and either the gasoline exceeds the designated alternative limit for the fuel property or the designated alternative limit for the fuel property exceeds the PM averaging limit and the exceedance is not fully offset in accordance with subsection (J).

I. Oxygen content requirements for PM alternative gasoline formulations. A registered supplier shall ensure that from November 1 through January 31, all alternative PM gasoline formulations comply with oxygen content requirements for the CBG-covered area. Regardless of the oxygen content, a registered supplier shall certify the final alternative PM gasoline formulation using the PM with a minimum oxygen content of 2.0% by weight. A registered supplier may use the CARBOB Model as a substitute for the preparation of a fuel ethanol hand blend and use the fuel qualities calculated under the CARBOB Model for compliance and reporting purposes.

J. Offsetting fuel properties and performance standards. A registered supplier that elects to comply with the averaging standards for any of the fuel properties or performance standards contained in Tables 1 and 2, or the PM, shall, from a single production or import facility, complete physical transfer of certified Arizona CBG or AZRBOB in sufficient quantity to offset the amount by which the Arizona CBG or AZRBOB exceeds the averaging standard according to the following schedule:

1. A registered supplier that elects to comply with the averaging standards contained in Table 2 or the PM shall offset each exceeded average standard within 90 days before or after beginning to transport any final blend of Arizona CBG or AZRBOB from the production or import facility;
2. A registered supplier that elects to comply with the averaging standard for the VOC Emission Reduction Percentage in Table 1, column B, shall offset an exceedance of the standard that occurs from May 1 to September 15 during that same period; and
3. A registered supplier that elects to comply with the averaging standard for the NOx Emission Reduction Percentage contained in Table 1, column B, shall offset an exceedance of the standard that occurs from May 1 to September 15 during that same period.

K. Consequence of failure to comply with averages.

1. In addition to a penalty under R20-2-762, if any, a registered supplier that fails to comply with a requirement of subsection (J) shall meet the applicable per-gallon standards contained in Table 1, Table 2, or an alternative PM gasoline formulation, for a probationary period as follows:
   a. For a registered supplier that elects to comply with the standards contained in Table 1, the probationary period begins on the first day of the next averaging season and ends on the last day of that averaging season if the conditions of subsection (K)(2) are met;
   b. For a registered supplier that elects to comply with the standards contained in Table 2 or the PM, the probationary period begins no later than 90 days after the registered supplier determines, or receives a notice from the Director, that the registered supplier did not comply with the requirements of subsection (J). Before the probationary period begins, the registered supplier shall notify the Director in writing of the beginning date of the probationary period. The probationary period ends 90 days after its beginning date.
2. A registered supplier shall not produce or import Arizona CBG or AZRBOB under an averaging compliance election until:
   a. The registered supplier submits a compliance plan to the Director that includes:
      i. An implementation schedule for actions to correct noncompliance, and
      ii. Reporting requirements that document implementation of the compliance plan,
   b. The Director approves the plan,
   c. The registered supplier implements the plan, and
   d. The registered supplier achieves compliance.
3. If a registered supplier fails to comply with the requirements of subsection (J) within one year of the end of a probationary period under subsection (K)(1), the registered supplier shall comply with applicable per-gallon standards for a subsequent probationary period of two years, or until the conditions in subsection (K)(2) are satisfied, whichever is later.
   a. If a registered supplier elects to comply with the Table 1 standards, the probationary period begins on the first day of the next averaging season.
   b. If a registered supplier elects to comply with the Table 2 standards or the PM, the probationary period begins no later than 90 days after the registered supplier determines, or receives notice from the Director, that the registered supplier did not comply with the requirements of subsection (J). Before the probationary period begins, the registered supplier shall notify the Director in writing of the beginning date of the probationary period.
4. If a registered supplier fails to comply with the requirements of subsection (J) within one year after the end of a probationary period provided under subsection (K)(3),

the registered supplier shall permanently comply with applicable per-gallon standards.

L. Effect of VOC survey failure. Each time a VOC survey conducted under R20-2-760 shows excess VOC emissions in the CBG-covered area, the VOC emissions performance reduction in R20-2-751(A)(8) and the minimum per-gallon VOC emission reduction percentage in Table 1, column C shall be increased by an absolute 1.0 percent, not to exceed the VOC percent emissions reduction percentage per-gallon standard in Table 1, column A.

M. Effect of NOx survey failure. Each time a NOx survey conducted under R20-2-760 shows excess NOx emissions in the CBG-covered area, the NOx average emission reduction percentage applicable to the period of May 1 through September 15 in Table 1, column B shall be increased by an absolute 1.0 percent.

N. Subsequent survey compliance. If the minimum VOC or average NOx emissions reduction percentage has been made more stringent according to subsection (L) or (M) and all emissions reduction surveys for VOC or NOx for two consecutive years show emissions within the applicable adjusted reduction percentage in the CBG-covered area, the applicable VOC or NOx emissions adjusted reduction percentage shall be reduced by an absolute 1.0 percent beginning in the year following the year in which the second compliant survey is conducted. Each emissions reduction percentage adjusted under this subsection shall not be decreased below the following:

1. >27 percent for the VOC emissions reduction percentage, May 1 - September 15, Table 1, column C; and
2. >6.8 percent for the NOx emissions reduction percentage, May 1 - September 15, Table 1, column B.

O. Subsequent survey failures. If a VOC or NOx emissions reduction percentage is made less stringent under subsection (N) and a subsequent VOC or NOx survey shows excess VOC or NOx emissions in the CBG-covered area:

1. For a VOC survey failure, the Federal Complex Model VOC emissions reduction percentage in R20-2-751(A)(8) and the minimum per gallon VOC emission reduction percentage in Table 1, column C shall be increased by an absolute 1.0 percent, not to exceed the VOC percent emissions reduction percentage per gallon standard in Table 1, column A;
2. For a NOx survey failure, the NOx average emission reduction percentage applicable May 1 through September 15 in Table 1, column B shall be increased by an absolute 1.0 percent; and
3. If the VOC or NOx emission reduction percentage is increased under subsection (O)(1) or (O)(2), the VOC or NOx emission reduction percentage shall not be made less stringent regardless of the result of subsequent surveys for VOC or NOx emissions.

P. Effective date for adjusted standards. If a performance standard is adjusted by operation of subsection (L), (M), (N), or (O), the effective date for the change is the beginning of the next averaging season for which the standard is applicable.

Q. Subsections (A)(6)(a), (b), (c), and (f), (A)(7)(a)(i) and (ii), (A)(8), (B), (D)(2), (E), and (I) will not become effective until Arizona's revised State Implementation Plan regarding CARB 3 and shortening the winter season is approved by EPA.

Historical Note

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 7 A.A.R. 1025, effective February 9, 2001 (Supp. 01-1). Amended by final rulemaking at 12 A.A.R. 3722, effective September 12, 2006 (Supp. 06-3).

Editor's Note: The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Chapter 117, § 3. Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval. Although exempt from certain provisions of the Administrative Procedure Act, the Department was required to publish these rules in the Arizona Administrative Register and provide reasonable notice and at least one public hearing on the rules (Supp. 97-3). The exempt rules expired when the Section was repealed under the regular rulemaking process (Supp. 98-3).

R20-2-751.01. Repealed

Historical Note

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R20-2-752. General Requirements for Registered Suppliers

A. A registered supplier shall certify that each batch of Arizona CBG or AZRBOB transported for sale or use in the CBG-covered area meets the standards in this Article.

B. A registered supplier shall make the certification on a form or in a format prescribed by the Director. The registered supplier shall include in the certification information on shipment volumes, fuel properties as determined under R20-2-759, and performance standards for each batch of Arizona CBG or AZRBOB. The registered supplier shall submit the certification to the Director on or before the 15th day of each month for each batch of Arizona CBG or AZRBOB transported during the previous month.

C. Recordkeeping and records retention.

1. A registered supplier that samples and analyzes a final blend or shipment of Arizona CBG or AZRBOB under this Section shall maintain, for five years from the date of each sampling, records of the following:
   a. Sample date;
   b. Identity of blend or product sampled;
   c. Container or other vessel sampled;
   d. The final blend or shipment volume; and
   e. The test results for sulfur, aromatic hydrocarbon, olefin, oxygen, RVP, and as applicable, T50, T90, E200, and E300 as determined under R20-2-759.
2. If Arizona CBG or AZRBOB produced or imported by a registered supplier is not tested and documented as

required by this Section, the Director shall deem the Arizona CBG or AZRBOB to have a RVP, sulfur, aromatic hydrocarbon, olefin, oxygen, T50, and T90 that exceeds the standards specified in R20-2-751 or the comparable PM averaging limits, unless the registered supplier demonstrates to the Director that the Arizona CBG or AZRBOB meets all applicable fuel property limits and performance standards.

3. A registered supplier shall provide to the Director any records maintained by the registered supplier under this Section within 20 days of a written request from the Director. If a registered supplier fails to provide records for a blend or shipment of Arizona CBG or AZRBOB, the Director shall deem the final blend or shipment of Arizona CBG or AZRBOB in violation of R20-2-751, unless the registered supplier demonstrates to the Director that the Arizona CBG or AZRBOB meets all applicable fuel property limits and performance standards.

D. Notification requirement. A registered supplier shall notify the Director by fax before transporting Arizona CBG or AZRBOB into the CBG-covered area by a means other than a pipeline.

E. Quality Assurance and Quality Control (QA/QC) Program. A registered supplier shall develop a QA/QC program to demonstrate the accuracy and effectiveness of the registered supplier's laboratory testing of Arizona CBG or AZRBOB. The registered supplier shall submit the QA/QC program to the Director for approval at least three months before the registered supplier transports Arizona CBG or AZRBOB. The Director shall approve a QA/QC program only if the Director determines that the QA/QC program ensures that the registered supplier's laboratory testing procedures comply with R20-2-759 and the data generated by the registered supplier's laboratory are complete, accurate, and reproducible. If the registered supplier makes significant changes to the QA/QC program, the registered supplier shall resubmit the QA/QC program to the Director for review and approval. Within 30 days of receiving the changed QA/QC program, the Director shall determine whether the changed QA/QC program meets the original quality objectives. The Director shall approve the changed QA/QC program if it meets the quality objectives. Instead of developing a QA/QC program, a registered supplier may comply with the independent testing requirements of subsection (F).

F. Independent testing.

1. A registered supplier of Arizona CBG or AZRBOB that does not develop a QA/QC program shall conduct a program of independent sample collection and analysis for the Arizona CBG or AZRBOB produced or imported, that complies with one of the following:
   a. Option 1. A registered supplier shall, for each batch of Arizona CBG or AZRBOB produced or imported, have an independent laboratory collect and analyze a representative sample from the batch using the methodology specified in R20-2-759 for compliance with each fuel property and performance standard for which the Arizona CBG or AZRBOB is certified.
   b. Option 2. A registered supplier shall have an independent testing program for all Arizona CBG or AZRBOB that the registered supplier produces or imports that consists of the following:
      i. An independent laboratory shall collect a representative sample from each batch;
      ii. The Director or designee shall identify up to 10% of the samples collected under subsection (F)(1)(b)(i) for analysis; and
      iii. The independent laboratory shall, for each sample identified by the Director or designee, analyze the sample using the methodology specified in R20-2-759 for compliance with each fuel property and performance standard for which the Arizona CBG or AZRBOB is certified.
2. The Director or designee may request in writing a duplicate of the batch sample collected under subsection (F)(1)(a) or (F)(1)(b) for analysis by a laboratory selected by the Director or designee. The registered supplier shall submit a duplicate of the sample to the Director within 24 hours of the written request.
3. Designation of independent laboratory.
   a. A registered supplier that does not develop a QA/QC program shall designate one independent laboratory for each production or import facility at which the registered supplier produces or imports Arizona CBG or AZRBOB. The independent laboratory shall collect samples and perform analyses according to subsection (F).
   b. A registered supplier shall identify the designated independent laboratory to the Director under the registration requirements of R20-2-750.
   c. A laboratory is considered independent if:
      i. The laboratory is not operated by a registered supplier or the registered supplier's subsidiary or employee;
      ii. The laboratory does not have any interest in any registered supplier; and
      iii. The registered supplier does not have any interest in the designated laboratory.
   d. Notwithstanding the restrictions in subsection (F)(3)(c), the Director shall consider a laboratory independent if it is owned or operated by a pipeline owned or operated by four or more registered suppliers.
   e. A registered supplier shall not use a laboratory that is debarred, suspended, or proposed for debarment according to the Government-wide Debarment and Suspension regulations, 40 CFR 32, or the Debarment, Suspension and Ineligibility provisions of the Federal Acquisition Regulations, 48 CFR 9.4.
4. A registered supplier shall ensure that its designated independent laboratory:
   a. Records the following at the time the designated independent laboratory collects a representative sample from a batch of Arizona CBG or AZRBOB:
      i. The producer's or importer's assigned batch number for the batch sampled;
      ii. The volume of the batch;
      iii. The identification number of the gasoline storage tank in which the batch is stored at the time the sample is collected;
      iv. The date and time the batch became Arizona CBG or AZRBOB;
      v. The date and time the sample is collected;
      vi. The grade of the batch (for example, unleaded premium, unleaded mid-grade, or unleaded); and
      vii. For Arizona CBG or AZRBOB produced by computer-controlled in-line blending, the date and time the blending process began and the date and time the blending process ended, unless exempt under subsection (G);

b. Retains each sample collected under this subsection for at least 45 days, unless this time is extended by the Director for up to 180 days;
c. Submits to the Director a quarterly report on the 15th day of January, April, July, and October of each year that includes, for each sample of Arizona CBG or AZRBOB analyzed under subsection (F):
i. The results of the independent laboratory's analyses for each fuel property, and
ii. The information specified in subsection (F)(4)(a) for each sample; and
d. Supplies to the Director, upon request, a duplicate of the sample.

G. Exemptions to QA/QC and independent laboratory testing requirements. A registered supplier that produces or imports Arizona CBG or AZRBOB using computer-controlled in-line blending equipment and operates under an exemption from EPA under 40 CFR 80.65(f)(iv), is exempt from the requirements of subsections (E) and (F), if reports of the results of the independent audit program of the registered supplier's computer-controlled in-line blending operation, which are submitted to EPA under 40 CFR 80.65(f)(iv), are submitted to the Director by March 1 of each year.

H. Use of laboratory analysis for certification of Arizona CBG and AZRBOB.
1. If both a registered supplier and an independent laboratory collect a sample from the same batch of Arizona CBG or AZRBOB and perform a laboratory analysis under subsection (F) to determine compliance of the sample with a fuel property, the registered supplier and independent laboratory shall use the same test methodology. The results of the analysis conducted by the registered supplier shall be used for certification of the Arizona CBG or AZRBOB under subsection (B), unless the absolute value of the difference between the two results is larger than one of the following:
a. Sulfur content: 25 ppm by weight;
b. Aromatics: 2.7% by volume;
c. Olefins: 2.5% by volume;
d. Fuel ethanol: 0.4% by volume;
e. RVP: 0.3 psi;
f. 50% distillation temperature: ASTM reproducibility for that sample using the slope from the registered supplier's results;
g. 90% distillation temperature: ASTM reproducibility for that sample using the slope from the registered supplier's results;
h. E200: 2.5% by volume;
i. E300: 3.5% by volume; or
j. API gravity: 0.3° API.
2. If the absolute value of the difference between the results of the analyses conducted by the registered supplier and independent laboratory is larger than one of the values specified in subsection (H)(1), the registered supplier shall use one of the following for certification of the batch of Arizona CBG or AZRBOB under subsection (B):
a. The larger of the two values for each fuel property, except the smaller of the two values shall be used for measures of oxygenates; or
b. Have a second independent laboratory analyze the Arizona CBG or AZRBOB for each fuel property. If the difference between the results obtained by the second independent laboratory and those obtained by the registered supplier are within the range listed in subsection (H)(1), the registered supplier's results shall be used for certifying the Arizona CBG or AZRBOB under subsection (B).

Historical Note
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R20-2-753. General Requirements for Pipelines and Third-party Terminals

A. A pipeline or third-party terminal shall not accept Arizona CBG or AZRBOB for transport unless:
1. The Arizona CBG or AZRBOB is physically transferred from an importer, refiner, oxygenate blender, pipeline, or third-party terminal registered with the Department under R20-2-750; and
2. The registered supplier provides written verification that the gasoline is Arizona CBG or AZRBOB and complies with the standards in R20-2-751(A) or (B), as applicable, without reproducibility or numerical rounding.

B. A pipeline or third-party terminal that transports Arizona CBG or AZRBOB shall collect a sample of each incoming batch. The pipeline or third-party terminal shall retain the sample for at least 30 days unless this time is extended for an individual sample for up to 180 days by the Director.

C. A pipeline shall conduct quality control testing of Arizona CBG or AZRBOB at a frequency of at least one sample from one batch completing shipment for each registered supplier each day at each input location.

D. A pipeline shall provide the Director with a report summarizing the quality control testing results obtained under subsection (C) within 10 days of the end of each month. The report shall contain the quantity of Arizona CBG or AZRBOB, date tendered, whether the Arizona CBG or AZRBOB was transported by pipeline, present sample location, and laboratory analysis results.

E. If a batch does not meet the standards in R20-2-751(A) or (B), as applicable, but is within reproducibility, the pipeline shall notify the Director by fax within 48 hours of the batch volume and date tendered, proposed shipment date, whether the batch was transported by the pipeline, present batch location, and laboratory analysis results.

F. If a batch does not meet the standards in R20-2-751(A) or (B), as applicable, including reproducibility, the pipeline or third-party terminal shall notify the Director by fax within 24 hours of the batch quantity and date tendered, proposed shipment date, whether the batch was transported by the pipeline,

present batch location, and laboratory analysis results. If the batch is in the pipeline's or third-party terminal's control, the pipeline or third-party terminal shall prevent release of the batch from a distribution point until the batch is certified as meeting the standards in R20-2-751(A) or (B), as applicable.

G. A pipeline or third-party terminal shall develop a QA/QC program to demonstrate the accuracy and effectiveness of the pipeline's or third-party terminal's laboratory testing. The QA/QC program for a pipeline or third-party terminal shall include a description of the laboratory testing protocol used to verify that Arizona CBG or AZRBOB transported to the CBG-covered area meets the standards in R20-2-751(A) or (B). A pipeline or third-party terminal shall submit the QA/QC program to the Director for approval at least three months before the pipeline or third-party terminal begins to transport Arizona CBG or AZRBOB. The Director shall approve a QA/QC program only if the Director determines that the QA/QC program ensures that the pipeline's or third-party terminal's laboratory testing produces data that are complete, accurate, and reproducible. If a pipeline or third-party terminal makes significant changes to the QA/QC program, the pipeline or third-party terminal shall resubmit the QA/QC program to the Director for review and approval. Within 30 days of receiving the changed QA/QC program, the Director shall determine whether the changed QA/QC program meets the quality objectives originally approved by the Department. The Director shall approve the changed QA/QC program if it meets the quality objectives.

H. A portion of a facility that a third-party terminal uses for production, import, or oxygenate blending is exempt from this Section, but the third-party terminal shall operate the exempt portion of the facility in compliance with requirements for registered suppliers in R20-2-752 and oxygenate blenders in R20-2-755, as applicable.

I. A pipeline is not liable under R20-2-761 if it follows all of the procedures in this Section.

Historical Note

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 12 A.A.R. 3722, effective September 12, 2006 (Supp. 06-3).

Editor's Note: The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Chapter 117, § 3. Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval. Although exempt from certain provisions of the Administrative Procedure Act, the Department was required to publish these rules in the Arizona Administrative Register and provide reasonable notice and at least one public hearing on the rules (Supp. 97-3). The exempt rules expired when the Section was permanently adopted with changes (Supp. 98-3).

R20-2-754. Downstream Blending Exceptions for Transmix

A. Pipelines may blend transmix into Arizona CBG or AZRBOB at a rate not to exceed 1/4 of 1% by volume. Each pipeline shall document the transmix blending (recording each batch and volume of transmix blended) and maintain the records at the terminal for two years from the date of blending.

B. One of two methods shall be used to measure the transmix as it is blended into the product stream:

1. Meters, calibrated at least twice each year; or
2. Tank gauge as per API Manual of Petroleum Measurement Standards, Chapters 3.1A (1st edition, December 1994) and 3.1B (1st edition, April 1992), incorporated by reference and on file with the Department and the Office of the Secretary of State. A copy may also be obtained at American Petroleum Institute, 1220 L St., N.W., Washington, D.C. 20045-4070. This incorporation by reference contains no future editions or amendments.

Historical Note

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3).

Editor's Note: The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Chapter 117, § 3. Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval. Although exempt from certain provisions of the Administrative Procedure Act, the Department was required to publish these rules in the Arizona Administrative Register and provide reasonable notice and at least one public hearing on the rules (Supp. 97-3). The exempt rules expired when the Section was permanently adopted with changes (Supp. 98-3).

R20-2-755. Additional Requirements for AZRBOB and Downstream Oxygenate Blending

A. Application of Arizona CBG standards to AZRBOB.

1. Determining whether AZRBOB complies with Arizona CBG standards.
   a. If a registered supplier designates a final blend as AZRBOB and complies with the provisions of this Section, the fuel properties and performance standards of the AZRBOB, for purposes of compliance with Table 2, are determined by adding the specified amount of fuel ethanol to a representative sample of the AZRBOB and testing the resulting gasoline using the test methods in R20-2-759 or certifying the ARZBOB using the CARBOB model. If the registered supplier designates a range of amounts of fuel ethanol to be added to the AZRBOB, the minimum designated amount of fuel ethanol shall be added to the AZRBOB to determine the fuel properties and performance standards of the resulting Arizona CBG. If a registered supplier does not comply with this subsection, the Department shall determine whether the AZRBOB complies with applicable fuel properties and performance standards, excluding requirements for RVP, without adding fuel ethanol to the AZRBOB.
   b. In determining whether AZRBOB complies with the Arizona CBG standards, the registered supplier shall ensure that the fuel ethanol added to the representative sample under subsection (A)(1)(a) is representative of the fuel ethanol the registered supplier reasonably expects will be subsequently added to the AZRBOB.

2. Calculating the volume of AZRBOB. If a registered supplier designates a final blend as AZRBOB and complies with this Section, the volume of AZRBOB is calculated for compliance purposes under R20-2-751 by adding the minimum amount of fuel ethanol designated by the registered supplier. If a registered supplier fails to comply with this subsection, the Department shall calculate the volume of AZRBOB for purposes of compliance with applicable fuel properties and performance standards without adding the amount of fuel ethanol to the AZRBOB.

B. Restrictions on transferring AZRBOB.
1. A person shall not transfer ownership or custody of AZRBOB to any other person unless the transferee notifies the transferor in writing that:
   a. The transferee is a registered oxygenate blender and will add fuel ethanol in the amount (or within the range of amounts) designated in R20-2-757 before the AZRBOB is transferred from a final distribution facility, or
   b. The transferee will take all reasonably prudent steps necessary to ensure that the AZRBOB is transferred to a registered oxygenate blender that adds the amount (or within the range of amounts) of fuel ethanol designated in R20-2-757 to the AZRBOB before the AZRBOB is transferred from a final distribution facility.
2. A person shall not sell or supply Arizona CBG from a final distribution facility if the amount or range of amounts of fuel ethanol designated in R20-2-757 has not been added to the AZRBOB.

C. Restrictions on blending AZRBOB with other products. A person shall not combine AZRBOB supplied from the facility at which the AZRBOB is produced or imported with any other AZRBOB, gasoline, blendstock, or oxygenate, except for:
1. Fuel ethanol in the amount (or within the range of amounts) specified by the registered supplier at the time the AZRBOB is supplied from the production or import facility, or
2. Other AZRBOB for which the same fuel ethanol amount (or range of amounts) is specified by the registered supplier at the time the AZRBOB is supplied from the production or import facility.

D. Quality assurance sampling and testing requirements for a registered supplier supplying AZRBOB from a production or import facility. A registered supplier supplying AZRBOB from a production or import facility shall use an independent third-party quality assurance sampling and testing program as described in subsection (E) or conduct a quality assurance sampling and testing program that meets the requirements of 40 CFR 80.69(a)(7), as it existed on July 1, 1996, except for the changes listed in subsections (D)(1) through (D)(3). 40 CFR 80.69(a)(7), July 1, 1996, is incorporated by reference and on file with the Department. A copy may be obtained at the U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, D.C. 20402-9328. The material incorporated includes no future editions or amendments.
1. 40 CFR 80.69(a)(7). The word "RBOB" is changed to read "AZRBOB";
2. 40 CFR 80.69(a)(7). "...using the methodology specified in § 80.46..." is changed to read "...using the methodology specified in R20-2-759...;" and
3. 40 CFR 80.69(a)(7)(ii). "(within the correlation ranges specified in § 80.65(e)(2)(i))" is changed to read "(within the ranges of the applicable test methods).

E. General requirements for an independent third-party quality assurance sampling and testing program. A registered supplier may contract with an independent third party that conducts a quality assurance sampling and testing program for one or more registered suppliers. The registered supplier shall ensure that the quality assurance sampling and testing program:
1. Is designed and conducted by a third party that is independent of the registered supplier. To be considered independent:
   a. The third party shall not be an employee of a registered supplier,
   b. The third party shall not have an obligation to or interest in any registered supplier, and
   c. The registered supplier shall not have an obligation to or interest in the third party;
2. Is conducted from November 1 through January 31 on all samples collected under the program design previously approved by the Director under subsection (G);
3. Involves sampling and testing that is representative of all Arizona CBG dispensed in the CBG-covered area;
4. Analyzes each sample for oxygenate according to the methodologies specified in R20-2-759;
5. Bases results on an analysis of each sample collected during the sampling period unless a specific sample does not comply with the applicable per gallon maximum or minimum standards for the fuel property being evaluated in addition to any reproducibility applicable to the fuel property;
6. Participates in a correlation program with the Director to ensure the validity of analysis results;
7. Does not provide advance notice, except as provided in subsection (F), of the date or location of any sampling;
8. Provides a duplicate of any sample, with information regarding where and the date on which the sample was collected, upon request of the Director, within 30 days after submitting the report required under subsection (E)(10);
9. Permits a Department official to monitor sample collection, transportation, storage, and analysis at any time; and
10. Prepares and submits a report to the Director within 30 days after the sampling is completed that includes the following information:
    a. Name of the person collecting the samples;
    b. Attestation by an officer of the third party that the sampling and testing was done according to the program plan approved by the Director under subsection (G) and the results are accurate;
    c. Identification of the registered supplier for whom the sampling and testing program was conducted if the sampling and testing program was conducted for only one registered supplier;
    d. Identification of the area from which the samples were collected;
    e. Address of each motor fuel dispensing site from which a sample was collected;
    f. Dates on which the samples were collected;
    g. Results of the analysis of the samples for oxygenate type and oxygen weight percent, aromatic hydrocarbon, and olefin content, E200, E300, and RVP, and the calculated VOC or NOx emissions reduction percentage, as applicable;
    h. Name and address of each laboratory at which the samples were analyzed;
    i. Description of the method used to select the motor fuel dispensing sites from which a sample was collected;

j. Number of samples collected at each motor fuel dispensing site; and
k. Justification for excluding a collected sample if one was excluded.

F. An independent third party that contracts with one or more registered suppliers to conduct a quality assurance sampling and testing program shall begin the sampling on the date selected by the Director. The Director shall inform the third party of the date selected at least 10 business days before sampling is to begin.

G. To obtain the Director's approval of an independent third-party quality assurance sampling and testing program plan, the person seeking the approval shall:
1. Submit the plan to the Director no later than January 1 to cover the sampling and testing period from November 1 through January 31 of each year, and
2. Have the plan signed by an officer of the third party that will conduct the sampling and testing program.

H. No later than September 1 of each year, a registered supplier that intends to meet the requirements in subsection (D) by contracting with an independent third party to conduct quality assurance sampling and testing from November 1 through January 31 shall enter into the contract and pay all of the money necessary to conduct the sampling and testing program. The registered supplier may pay the money necessary to conduct the sampling and testing program to the third party or to an escrow account with instructions to the escrow agent to release the money to the third party as the testing program is implemented. No later than September 15, the registered supplier shall submit to the Director a copy of the contract with the third party, proof that the money necessary to conduct the sampling and testing program has been paid, and, if applicable, a copy of the escrow agreement.

I. Requirements for oxygenate blenders.
1. Requirement to add fuel ethanol to AZRBOB. If an oxygenate blender receives AZRBOB from a transferor to whom the oxygenate blender represents that fuel ethanol will be added to the AZRBOB, the oxygenate blender shall add fuel ethanol to the AZRBOB in the amount (or within the range of amounts) identified in the documentation accompanying the AZRBOB.
2. Additional requirements for oxygenate blending at terminals. An oxygenate blender that makes Arizona CBG by blending fuel ethanol with AZRBOB in a motor fuel storage tank, other than a truck used to deliver motor fuel to a retail outlet or bulk-purchaser consumer facility, shall determine the oxygen content and volume of the Arizona CBG before shipping, by collecting and analyzing a representative sample of the Arizona CBG, using the methodology in R20-2-759.
3. Additional requirements for oxygenate blending in trucks. An oxygenate blender that blends AZRBOB in a motor fuel delivery truck shall conduct quality assurance sampling and testing that meets the requirements in 40 CFR 80.69(e)(2), as it existed on July 1, 1996, except for the changes listed in subsections (I)(3)(a) through (I)(3)(c). 40 CFR 80.69(e)(2), July 1, 1996, is incorporated by reference and on file with the Department. A copy may be obtained at the U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, D.C. 20402-9328. The material incorporated includes no future editions or amendments.
   a. 40 CFR 80.69(e)(2). The word "RBOB" is changed to read "AZRBOB;"
   b. 40 CFR 80.69(e)(2)(iv). "... using the testing methodology specified at § 80.46 ..." is changed to read "... using the testing methodology specified in R20-2-759...;" and
   c. 40 CFR 80.69(e)(2)(v). "(within the ranges specified in § 80.70(b)(2)(I))" is changed to read "(within the ranges of the applicable test methods)."
4. Additional requirements for in-line oxygenate blending in pipelines using computer-controlled blending.
   a. An oxygenate blender that produces Arizona CBG by blending fuel ethanol with AZRBOB into a pipeline using computer-controlled in-line blending shall, for each batch of Arizona CBG produced:
      i. Obtain a flow proportional composite sample after the addition of fuel ethanol and before combining the resulting Arizona CBG with any other Arizona CBG;
      ii. Determine the oxygen content of the Arizona CBG by analyzing the composite sample within 24 hours of blending using the methodology in R20-2-759; and
      iii. Determine the volume of the resulting Arizona CBG.
   b. If the test results for the Arizona CBG indicate that it does not contain the amount of fuel ethanol specified by the ranges of the applicable test methods, the oxygenate blender shall:
      i. Notify the pipeline to downgrade the Arizona CBG to conventional gasoline or transmix upon arrival in Arizona;
      ii. Begin an investigation to determine the cause of the noncompliance;
      iii. Collect a representative sample every two hours during each in-line blend of AZRBOB and fuel ethanol, and analyze the samples within 12 hours of collection, until the cause of the noncompliance is determined and corrected; and
      iv. Notify the Director in writing within one business day that the Arizona CBG does not comply with the requirements of this Article.
   c. The oxygenate blender shall comply with subsection (I)(4)(b)(iii) until the Director determines that the corrective action has remedied the noncompliance.
5. Recordkeeping and records retention.
   a. An oxygenate blender shall maintain, for five years from the date of each sampling, records of the following:
      i. Sample date,
      ii. Identity of blend or product sampled,
      iii. Container or other vessel sampled,
      iv. Volume of final blend or shipment,
      v. Oxygen content as determined under R20-2-759, and
      vi. Results from all testing.
   b. The Director shall deem that Arizona CBG blended by an oxygenate blender and not tested and documented as required by this Section has an oxygen content that exceeds the standards specified in R20-2-751 or exceeds the comparable PM averaging limits, if applicable, unless the oxygenate blender demonstrates to the Director that the Arizona CBG meets the standards in R20-2-751.
   c. Within 20 days of the Director's written request, an oxygenate blender shall provide any records maintained by the oxygenate blender under this Section. If the oxygenate blender fails to provide records requested for a blend or shipment of Arizona CBG,

the Director shall deem that the blend or shipment of Arizona CBG violates R20-2-751 or exceeds the comparable PM averaging limits, if applicable, unless the oxygenate blender demonstrates to the Director that the Arizona CBG meets the standards and limits under R20-2-751.

6. Notification requirement. An oxygenate blender shall notify the Director by fax before transporting Arizona CBG or AZRBOB into the CBG-covered area by a means other than a pipeline.
7. Quality assurance and quality control (QA/QC) program. An oxygenate blender that conducts sampling and testing under subsection (I) in the oxygenate blender's own laboratory shall develop a QA/QC program to demonstrate the accuracy and effectiveness of the oxygenate blender's sampling and testing of Arizona CBG or AZRBOB. The oxygenate blender shall submit the QA/QC program to the Director for approval at least three months before transporting Arizona CBG. The Director shall approve a QA/QC program only if the Director determines that the QA/QC program ensures that the oxygenate blender's sampling and testing produces data that are complete, accurate, and reproducible. Instead of developing a QA/QC program, an oxygenate blender may comply with the independent testing requirements of R20-2-752(F), except that, for sampling and testing conducted under subsection (I)(3), the minimum number of samples collected and tested by the independent laboratory shall be 10% of the number of samples required to be collected and tested under subsection (I).
8. An oxygenate blender that does not conduct laboratory sampling and testing required under subsection (I) in its own laboratory shall designate an independent laboratory, as described in R20-2-752(F), to conduct the sampling and testing required under subsection (I)(7).
9. Within 24 hours of the Director's or designee's written request, an oxygenate blender shall submit a duplicate of any sample collected under subsection (I)(7).

J. Subsection (A)(1)(a) will not become effective until Arizona's revised State Implementation Plan regarding CARB 3 is approved by EPA.

Historical Note

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 12 A.A.R. 3722, effective September 12, 2006 (Supp. 06-3).

Editor's Note: The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Chapter 117, § 3. Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval. Although exempt from certain provisions of the Administrative Procedure Act, the Department was required to publish these rules in the Arizona Administrative Register and provide reasonable notice and at least one public hearing on the rules (Supp. 97-3). The exempt rules expired when the Section was permanently adopted with changes (Supp. 98-3).

R20-2-756. Downstream Blending of Arizona CBG with Nonoxygenate Blendstocks

A. A person shall not combine Arizona CBG supplied from a production or import facility with any nonoxygenate blendstock, other than vapor recovery condensate, unless the person demonstrates to the Director:
1. The blendstock added to the Arizona CBG meets all of the Arizona CBG standards regardless of the fuel properties and performance standards of the Arizona CBG to which the blendstock is added; and
2. The person meets the requirements in this Article applicable to producers of Arizona CBG.

B. Notwithstanding subsection (A), a person may add nonoxygenate blendstock to a previously certified batch or mixture of certified batches of Arizona CBG that does not comply with one or more of the applicable per-gallon standards contained in R20-2-751(A) or (B) if the person obtains prior written approval from the Director based on a demonstration that adding the blendstock will bring the previously certified Arizona CBG into compliance with the applicable per-gallon standards for Arizona CBG. The oxygenate blender or registered supplier shall certify the re-blended Arizona CBG to the Department.

Historical Note

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3).

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R20-2-757. Product Transfer Documentation; Records Retention

A. If a person transfers custody or title to Arizona CBG or AZRBOB, other than when Arizona CBG is sold or dispensed at a motor fuel dispensing site or fleet vehicle fueling facility, the transferor shall provide to the transferee documents that include the following:
1. Name and address of the transferor;
2. Name and address of the transferee;
3. Volume of Arizona CBG or AZRBOB being transferred;
4. Location of the Arizona CBG or AZRBOB at the time of transfer;
5. Date of the transfer;
6. Product transfer document number;
7. Identification of the gasoline as Arizona CBG or AZRBOB;
8. Minimum octane rating of the Arizona CBG or AZRBOB;
9. For oxygenated Arizona CBG designated for sale for use in motor vehicles from November 1 through January 31,

the minimum quantity of fuel ethanol contained in the Arizona CBG; and

10. If the product transferred is AZRBOB for which fuel ethanol blending is intended:
    a. Identification of the fuel as AZRBOB and a statement that the "AZRBOB does not comply with the standards for Arizona CBG without the addition of fuel ethanol;"
    b. Designation of the AZRBOB as suitable for blending with fuel ethanol;
    c. Fuel ethanol amount or range of amounts that the AZRBOB requires to meet the fuel properties or performance standards claimed by the registered supplier of the AZRBOB, and the applicable specifications for volume percent fuel ethanol and weight percent oxygen content; and
    d. Instructions to the transferee that the AZRBOB may not be combined with any other AZRBOB unless the other AZRBOB has the same requirements for fuel ethanol amount or range of amounts.

B. A registered supplier, third-party terminal, or pipeline may comply with subsection (A) by using standardized product codes on pipeline tickets if the codes are specified in a manual distributed by the pipeline to transferees of the Arizona CBG or AZRBOB, and the manual includes all required information for the Arizona CBG or AZRBOB.

C. Any transferee in subsection (A), other than a registered supplier, oxygenate blender, third-party terminal, pipeline, motor fuel dispensing site, or fleet vehicle fueling facility shall retain product transfer documents for each shipment of Arizona CBG or AZRBOB transferred during the 24 months before the most recent transfer. The transferee shall maintain product transfer documents for the 30 days before the most recent transfer at the business address listed on the product transfer document. The transferee may maintain all remaining product transfer documents for the preceding 24 months elsewhere.

D. A motor fuel dispensing site or fleet vehicle fueling facility shall retain product transfer documents for each shipment of Arizona CBG transferred during the 12 months before the most recent transfer. The motor fuel dispensing site or fleet vehicle fueling facility shall maintain product transfer documents for the three most recent transfers on the premises. The motor fuel dispensing site or fleet vehicle fueling facility may maintain the remaining product transfer documents for the preceding 12 months elsewhere.

E. A registered supplier, oxygenate blender, third-party terminal, or pipeline shall retain product transfer documents for each shipment of Arizona CBG or AZRBOB transferred during the 60 months before the most recent transfer. The transferee shall maintain product transfer documents for each shipment of Arizona CBG or AZRBOB transferred during the 30 days preceding the most recent transfer at the business address listed on the product transfer document. The transferee may maintain all remaining product transfer documents for the preceding 60 months elsewhere.

F. When a person transfers custody or title of fuel ethanol that is intended for use as a blend component in AZRBOB or Arizona CBG, the person shall provide the transferee a document that prominently states that the fuel ethanol complies with the standards for fuel ethanol intended for use as a blend component in AZRBOB or Arizona CBG.

G. Upon request by the Director or designee, a person shall present product transfer documents to the Department within two working days of the request. Legible photocopies of the product transfer documents are acceptable.

Historical Note

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 12 A.A.R. 3722, effective September 12, 2006 (Supp. 06-3).

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R20-2-758. Repealed

Historical Note

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3). Section repealed by final rulemaking at 12 A.A.R. 3722, effective September 12, 2006 (Supp. 06-3).

Editor's Note: The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Chapter 117, § 3. Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval. Although exempt from certain provisions of the Administrative Procedure Act, the Department was required to publish these rules in the Arizona Administrative Register and provide reasonable notice and at least one public hearing on the rules (Supp. 97-3). The exempt rules expired when the Section was permanently adopted with changes (Supp. 98-3).

R20-2-759. Testing Methodologies

A. Except as provided in subsection (C), a registered supplier or importer certifying Arizona CBG or AZRBOB as meeting the requirements of this Article shall use one of the methods listed in Table A. A copy of the EPA- or CARB-approved ASTM methods may be obtained at: American Society for Testing and Materials, 100 Bar Harbor Drive, West Conshohocken, PA 19428-2959. A copy of the CARB methods may be obtained at: California Air Resources Board, P.O. Box 2815, Sacramento, CA 95812.

B. An oxygenate blender or third-party terminal certifying Arizona CBG or AZRBOB before transport to the CBG-covered area shall measure fuel ethanol in accordance with the oxygenate blender's or third-party terminal's approved QA/QC pro-

gram or in accordance with one of the methods listed in Table A.

C. Rather than using a method listed in Table A to certify Arizona CBG or AZRBOB, a registered supplier may use the CARBOB Model and use the fuel-quality measures calculated using the CARBOB Model for compliance and reporting purposes.

D. A test method that the Department determines is equivalent to those listed in Table A may be used to certify Arizona CBG or AZRBOB. The Department has determined that test methods approved by either the EPA or CARB are equivalent test methods. To determine whether a proposed test method is equivalent to those listed in Table A, the Department shall thoroughly review data from both the proposed and designated test methods and assess whether the accuracy and precision of the proposed method is equal to or better than the accuracy and precision of the designated method and whether there is significant bias between the two methods. The Department shall approve a proposed test method only if the Department determines that the accuracy and precision of the proposed test method is equal to or better than the accuracy and precision of the designated method. A correlation equation may be required to align the two methods. If a correlation equation is required to align the two methods, the correlation equation becomes part of the equivalent method.

E. Subsections (C) and (D) will not become effective until Arizona's revised State Implementation Plan regarding CARB 3 is approved by EPA.

Historical Note

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 7 A.A.R. 1025, effective February 9, 2001 (Supp. 01-1). Amended by final rulemaking at 12 A.A.R. 3722, effective September 12, 2006 (Supp. 06-3).

Table A. Arizona Department of Weights and Measures Test Methods for Arizona CBG and AZRBOB

Fuel Parameter	Units		EPA-approved Test Method	EPA-approved Reproducibility		CARB-approved Test Method	CARB-approved Reproducibility
Aromatics	V%		D 5769-98				
	V%		D 1319-02a[A]	1.65		D 5580-00	1.4
Benzene	V%		D 3606-99	0.21		D 5580-00	$0.1409 (X)^{1.133}$
Olefins	V%		D 1319-02a	$0.32 (x)^{0.5}$		D 6550-00	$0.32 (X)^{0.5}$; Footnote 1
Oxygenates	W%		D 5599-00	See test method		D 4815-99	See test method
	W%		D 4815-99[B]	See test method			
Vapor Pressure (Correlation Equation) Footnote 2	psi		D 5191-01	0.3		13 CCR Section 2297	0.21
Sulfur	wppm		D 2622-98			D 5453-93	$0.2217 (x)^{0.92}$ wppm
						D 2622-94 (modified)	10-30 wppm R=0.405 (x) > 30 wppm R =0.192 (x)
Distillation T50	deg F		D 86-01	See test method		D 86-99ae1	See test method
Distillation T90	deg F		D 86-01	See test method		D 86-99ae1	See test method

[A] A refinery or importer may determine aromatics content using ASTM D 1319-02a if the result is correlated to ASTM D 5769-98.
[B] A refinery or importer may determine oxygenate content using ASTM D 4815-99 if the result is correlated to ASTM D 5599-00.
Footnotes:
1. Replace the last sentence in ASTM D 6550-00 Section 1.1 with the following: "The application range is from 0.3 to 25 mass percent total olefin, as defined in Section 2263(b), Title 13, California Code of Regulations. If olefin concentrations are not detected, substitute one-half of the detection limit."
2. When determining RVP, the only correlation equation to be used is the CARB (RVP= (0.972 X Ptot) – 0.715).

Historical Note

New Table A made by final rulemaking at 12 A.A.R. 3722, effective September 12, 2006 (Supp. 06-3).

Editor's Note: The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Chapter 117, § 3. Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval. Although exempt from certain provisions of the Administrative Procedure Act, the Department was required to publish these rules in the Arizona Administrative Register and provide

reasonable notice and at least one public hearing on the rules (Supp. 97-3). The exempt rules expired when the Section was permanently adopted with changes (Supp. 98-3).

R20-2-760. Compliance Surveys

A. A registered supplier that elects to certify that Arizona CBG or AZRBOB meets an averaging standard under R20-2-751 shall ensure that compliance surveys are conducted in accordance with a compliance survey program plan approved by the Director. The Director shall approve a compliance survey program plan if it:
1. Consists of at least four VOC and NOx surveys conducted at least one per month between May 1 through September 15 of each year; and
2. Complies with subsection (J).

B. If a registered supplier fails to ensure that an approved compliance survey program is conducted, the Director shall issue an order requiring the registered supplier to comply with all applicable fuel property and performance standards on a per-gallon basis for six months or through the end of the survey period identified in subsection (A)(1), whichever is longer. Regardless of when a failure to survey occurs, the Director's order shall require compliance with per-gallon standards from the beginning of the survey period during which the failure to survey occurs.

C. General compliance survey requirements. A registered supplier shall ensure that a compliance survey conforms to the following:
1. Consists of all samples that are collected under an approved survey program plan during any consecutive seven days and that are not excluded under subsection (C)(4);
2. Is representative of all Arizona CBG being dispensed in the CBG-covered area as provided in subsection (G);
3. Analyzes each sample included in the compliance survey for oxygenate type and content, olefins, sulfur, aromatic hydrocarbons, E200, E300, and RVP according to the test methods in R20-2-759. RVP is required to be analyzed only from May 1 through September 15;
4. Bases the results of the compliance survey upon an analysis of each sample collected during the course of the compliance survey, unless a sample does not comply with the applicable per gallon maximum or minimum fuel property standard being evaluated in addition to any reproducibility that applies to the fuel property standard; and
5. If a laboratory analyzes the compliance survey samples, the laboratory participates in a correlation program with the Director to ensure the validity of analysis results.

D. If the Director determines that a sample used in a compliance survey does not comply with R20-2-751 or another requirement under this Article, the Director shall take enforcement action against the registered supplier.

E. A registered supplier shall comply with the following VOC and NOx compliance survey requirements:
1. For each compliance survey sample, determine the VOC and NOx emissions reduction percentage based upon the tested fuel properties for that sample using the methodology for calculating VOC and NOx emissions reductions at 40 CFR 80.45, as incorporated by reference in R20-2-702;
2. The CBG-covered area fails a VOC compliance survey if the VOC emissions reduction percentage average of all samples collected during the compliance survey is less than the per-gallon standard for VOC emissions reduction percentage in Table 1, column A.
3. The CBG-covered area fails a NOx compliance survey if the NOx emissions reduction percentage average of all samples collected during the compliance survey is less than the per-gallon standard for NOx emissions reduction percentage in Table 1, column A.

F. A registered supplier shall determine the result of the series of NOx compliance surveys conducted between May 1 and September 15 as follows:
1. For each compliance survey sample, the NOx emissions reduction percentage is determined based upon the tested fuel properties for that sample using the methodology for calculating NOx emissions reduction at 40 CFR 80.45, as incorporated by reference in R20-2-702; and
2. The CBG-covered area fails the NOx series of compliance surveys conducted between May 1 and September 15 if the NOx emissions reduction percentage average for all compliance survey samples collected during that time is less than the Federal Complex Model per-gallon standard for the NOx emissions reduction percentage in Table 1, column A.

G. General requirements for an independent surveyor conducting a compliance survey. A registered supplier may have the compliance surveys required by this Section conducted by an independent surveyor. The Director shall approve a compliance survey program conducted by an independent surveyor if the compliance survey program:
1. Is designed and conducted by a surveyor that is independent of the registered supplier. To be considered independent:
   a. The surveyor shall not be an employee of any registered supplier,
   b. The surveyor shall not have an obligation to or interest in any registered supplier, and
   c. The registered supplier shall not have an obligation to or interest in the surveyor;
2. Includes enough samples to ensure that the average levels of oxygen, RVP, aromatic hydrocarbons, olefins, T50, T90, and sulfur are determined with a 95% confidence level, with error of less than 0.1 psi for RVP, 0.1% for oxygen (by weight), 0.5% for aromatic hydrocarbons (by volume), 0.5% for olefins (by volume), 5°F. for T50 and T90, and 10 wppm for sulfur;
3. Requires that the surveyor not provide advance notice, except as provided in subsection (H), of the date or location of any survey sampling;
4. Requires that the surveyor provide a duplicate of any sample taken during the survey, with information regarding the name and address of the facility from and the date on which the sample was taken, upon request of the Director, within 30 days following submission of the survey report required under subsection (G)(6);
5. Requires that the surveyor permit a Department official to monitor sample collection, transportation, storage, and analysis at any time;
6. Requires the surveyor to submit a report of each survey to the Director within 30 days after sampling for the survey is completed that includes the following information:
   a. Name of the person conducting the survey;
   b. Attestation by an officer of the surveyor that the sampling and testing was conducted according to the compliance survey program plan and the results are accurate;
   c. Identification of the registered supplier for whom the compliance survey was conducted if the compliance survey was conducted for only one registered supplier;
   d. Identification of the area from which survey samples were selected;

e. Dates on which the survey was conducted;
f. Address of each facility at which a sample was collected, and the date of collection;
g. Results of the analysis of samples for oxygenate type and oxygen weight percent, aromatic hydrocarbon, and olefin content, E200, E300, and RVP, and the calculated VOC or NOx emissions reduction percentage, as applicable, for each survey conducted during the period identified in subsection (A)(1);
h. Name and address of each laboratory at which samples were analyzed;
i. Description of the method used to select the facilities from which a sample was collected;
j. Number of samples collected from each facility;
k. Justification for excluding a collected sample from the survey, if one was excluded; and
l. Average VOC and NOx emissions reduction percentage.

H. An independent surveyor shall begin each survey on a date selected by the Director. The Director shall notify the surveyor of the date selected at least 10 business days before the survey is to begin.

I. To obtain the Director's approval of a compliance survey program plan, the person seeking approval shall:
1. Submit the plan to the Director no later than January 1 to cover the survey period of May 1 through September 15 of each year; and
2. Have the plan signed by a corporate officer of the registered supplier or by an officer of the independent surveyor.

J. No later than April 1 of each year, a registered supplier that intends to meet the requirements in subsection (A) by contracting with an independent surveyor to conduct the compliance survey plan for the next summer and winter season shall enter into the contract and pay all of the money necessary to conduct the compliance survey plan. The registered supplier may pay the money necessary to conduct the compliance survey plan to the independent surveyor or to an escrow account with instructions to the escrow agent to release the money to the independent surveyor as the compliance survey plan is implemented. No later than April 15, the registered supplier shall submit to the Director a copy of the contract with the independent surveyor, proof that the money necessary to conduct the compliance survey plan has been paid, and, if applicable, a copy of the escrow agreement.

Historical Note

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 7 A.A.R. 1025, effective February 9, 2001 (Supp. 01-1). Amended by final rulemaking at 12 A.A.R. 3722, effective September 12, 2006 (Supp. 06-3).

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R20-2-761. Liability for Noncompliant Arizona CBG or AZRBOB

A. Persons liable. If motor fuel designated as Arizona CBG or AZRBOB does not comply with R20-2-751, the following are liable for the violation:
1. Each person who owns, leases, operates, controls, or supervises a facility where the noncompliant Arizona CBG or AZRBOB is found;
2. Each registered supplier whose corporate, trade, or brand name, or whose marketing subsidiary's corporate, trade, or brand name, appears at a facility where the noncompliant Arizona CBG or AZRBOB is found; and
3. Each person who manufactured, imported, sold, offered for sale, dispensed, supplied, offered for supply, stored, transported, or caused the transportation of any gasoline in a storage tank containing Arizona CBG or AZRBOB found to be noncompliant.

B. Defenses.
1. A person who is otherwise liable under subsection (A) is not liable if that person demonstrates:
   a. That the violation was not caused by the person or person's employee or agent;
   b. That product transfer documents account for all of the noncompliant Arizona CBG or AZRBOB and indicate that the Arizona CBG or AZRBOB complied with this Article; and
   c. That the person had a quality assurance sampling and testing program, as described in subsection (C) in effect at the time of the violation; except that any person who transfers Arizona CBG or AZRBOB, but does not assume title, may rely on the quality assurance program carried out by another person, including the person who owns the noncompliant Arizona CBG or AZRBOB, provided the quality assurance program is properly administered.
2. If a violation is found at a facility that operates under the corporate, trade, or brand name of a registered supplier, that registered supplier must show, in addition to the defense elements in subsection (B)(1), that the violation was caused by:
   a. A violation of law other than A.R.S. Title 41, Chapter 15, Article 6, this Article, or an act of sabotage or vandalism;
   b. A violation of a contract obligation imposed by the registered supplier designed to prevent noncompliance, despite periodic compliance sampling and testing by the registered supplier; or
   c. The action of any person having custody of Arizona CBG or AZRBOB not subject to a contract with the registered supplier but engaged by the registered supplier for transportation of Arizona CBG or AZRBOB, despite specification or inspection of procedures and equipment by the registered supplier designed to prevent violations.
3. To show that the violation was caused by any of the actions in subsection (B)(2), the person must demonstrate by reasonably specific showings, by direct or circumstantial evidence, that the violation was caused or must have been caused by another person.

C. Quality assurance sampling and testing program. To demonstrate an acceptable quality assurance program for Arizona

CBG or AZRBOB, at all points in the gasoline distribution network, other than at a service station or fleet owner facility, a person shall present evidence:

1. Of a periodic sampling and testing program to determine compliance with the maximum or minimum standards in R20-2-751; and
2. That each time Arizona CBG or AZRBOB is noncompliant with one of the requirements in R20-2-751:
   a. The person immediately ceases selling, offering for sale, dispensing, supplying, offering for supply, storing, transporting, or causing the transportation of the noncompliant Arizona CBG or AZRBOB; and
   b. The person remedies the violation as soon as practicable.

Historical Note

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3).

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R20-2-762. Penalties

Any person who violates any provision of this Article is subject to the following:

1. Prosecution for a Class 2 misdemeanor under A.R.S. § 41-2113(B)(4);
2. Civil penalties in the amount of $500 per violation under A.R.S. § 41-2115; and
3. Stop-use, stop-sale, hold, and removal orders under A.R.S. § 41-2066(A)(2).

Historical Note

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Section permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3).

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Table 1. Type 1 Arizona CBG Standards

Table 1 will not become effective until Arizona's revised State Implementation Plan regarding CARB 3 and shortening the winter season is approved by EPA.

	Non-averaging Option	**Averaging Option**		
	A	**B**	**C**	**D**
Performance Standard/Fuel Property**	**Per-Gallon (minimum)**	**Average**	**Minimum (per-gallon)**	**Maximum (per-gallon)**
VOC Emission Reduction (%) May 1 - Sept. 15	≥ 27.5	≥ 29.0	≥ 25.0	N/A
NOx Emission Reduction (%) May 1 - Sept. 15	≥ 5.5	≥ 6.8	N/A	N/A
NOx Emission Reduction (%) Sept. 16 - October 31 and February 1 - April 30***	≥ 0.0	N/A	N/A	N/A
Oxygen content: fuel ethanol, (% by weight unless otherwise noted) Nov. 1 - January 31*** February 1 - October 31	 N/A 0.0*	 N/A N/A	 N/A 0.0	 N/A 3.7
Oxygen content: other than fuel ethanol, (% by weight) Nov. 1 - January 31*** February 1 - October 31	 N/A 0.0	 N/A N/A	 N/A 0.0	 N/A ****

* Maximum oxygen content shall comply with the EPA oxygenate waiver requirements and with A.R.S. § 41-2122.
** Dates represent compliance dates for the owner of a motor fuel dispensing site or a fleet vehicle fueling facility.
*** A registered supplier shall certify all Arizona CBG as Type 2 Arizona CBG meeting the standards in Table 2 beginning November 1 through January 31.
**** As specified in A.R.S. § 41-2122.

Historical Note

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Table 1 permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 7 A.A.R. 1025, effective February 9, 2001 (Supp. 01-1). Table 1 amended by final rulemaking at 12 A.A.R. 3722, effective September 12, 2006 (Supp. 06-3).

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Table 2. Type 2 Arizona CBG Standards
Table 2 will not become effective until Arizona's revised State Implementation Plan regarding CARB 3 and shortening the winter season is approved by EPA.

	Averaging Option		**Non-averaging Option**	
	A	**B**	**C**	
Fuel Property	**Maximum Standard (per gallon)**	**Averaging Standard***	**Flat Standard * (per gallon maximum)**	**Units of Standard**
Sulfur Content	80/30	30/15	40/20	Parts per million by weight
Olefin Content	10.0	4.0	6.0	% by volume
90% Distillation Temperature (T90)	330	290/295	300/305	Degrees Fahrenheit
50% Distillation Temperature (T50)	220	200/203	210/213	Degrees Fahrenheit
Aromatic Hydrocarbon Content	30.0/35	22.0	25.0	% by volume
Oxygen content: fuel ethanol** Nov. 1 - January 31 February 1 - October 31 The maximum oxygen content EtOH year around	10% fuel ethanol**	-- --	10% fuel ethanol** 3.7	% by vol. % by weight

* Instead of the standards in columns B and C, a registered supplier may comply with the standards contained in column A, and R20-2-751(F), (G), and (H) for the use of the PM.
** Maximum oxygen content shall comply with the EPA oxygenate waiver requirements.
A registered supplier shall certify all Arizona CBG using fuel ethanol as the oxygenate beginning November 1 through January 31. Alternative fuel ethanol contents not less than 2.7% total oxygen may be used if approved by the Director under A.R.S. § 41-2124(D).
NOTES: Dates represent compliance dates for the owner of a motor fuel dispensing site or fleet vehicle fuel facility.
Standards shown in the form of x/y denote standards for CARB Phase 2/Phase 3 gasolines.

Historical Note

Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption expired and was automatically repealed on the date the permanent rules became effective pursuant to Laws 1997, Ch. 117; Table 2 permanently adopted with changes October 1, 1998; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 5 A.A.R. 4214, effective September 22, 1999 (Supp. 99-3). Amended by final rulemaking at 7 A.A.R. 1025, effective February 9, 2001 (Supp. 01-1). Table 2 amended by final rulemaking at 12 A.A.R. 3722, effective September 12, 2006 (Supp. 06-3).

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Table 3. Repealed

Historical Note
Adopted effective under an exemption from the provisions of A.R.S. Title 41, Chapter 6, with an interim effective date of September 12, 1997 (Supp. 97-3). Interim adoption repealed October 1, 1998, under Laws 1997, Ch. 117, § 3; filed in the Office of the Secretary of State September 9, 1998 (Supp. 98-3).

ARTICLE 8. REPEALED

R20-2-801. Repealed

Historical Note
Emergency rule adopted effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency rule adopted again without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Emergency rule adopted again without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted effective June 22, 1992 (Supp. 92-2). R20-2-801 recodified from R4-31-801 (Supp. 95-1). R20-2-801 repealed effective October 8, 1998 (Supp. 98-4).

R20-2-802. Repealed

Historical Note
Emergency rule adopted effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency rule adopted again without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Emergency rule adopted again without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted with changes effective June 22, 1992 (Supp. 92-2). R20-2-802 recodified from R4-31-802 (Supp. 95-1). R20-2-802 repealed effective October 8, 1998 (Supp. 98-4).

R20-2-803. Repealed

Historical Note
Emergency rule adopted effective October 12, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-4). Emergency expired. Emergency rule adopted again without change effective February 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-1). Emergency expired. Emergency rule adopted again with changes effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency rule adopted again without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Emergency rule adopted again without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted with changes effective June 22, 1992 (Supp. 92-2). R20-2-803 recodified from R4-31-803 (Supp. 95-1). R20-2-803 repealed effective October 8, 1998 (Supp. 98-4).

R20-2-804. Repealed

Historical Note
Emergency rule adopted effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency rule adopted again without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Emergency rule adopted again without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted with changes effective June 22, 1992 (Supp. 92-2). R20-2-804 recodified from R4-31-804 (Supp. 95-1). R20-2-804 repealed effective October 8, 1998 (Supp. 98-4).

R20-2-805. Repealed

Historical Note
Emergency rule adopted effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency rule adopted again without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Emergency rule adopted again without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted effective June 22, 1992 (Supp. 92-2). R20-2-805 recodified from R4-31-805 (Supp. 95-1). R20-2-805 repealed effective October 8, 1998 (Supp. 98-4).

R20-2-806. Repealed

Historical Note
Emergency rule adopted effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency rule adopted again without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Emergency rule adopted again without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted with changes effective June 22, 1992 (Supp. 92-2). R20-2-806 recodified from R4-31-806 (Supp. 95-1). R20-2-806 repealed effective October 8, 1998 (Supp. 98-4).

R20-2-807. Repealed

Historical Note
Emergency rule adopted effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency rule adopted again without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for

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R20-2-808. Reserved

R20-2-809. Repealed

Historical Note

Emergency rule adopted effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency rule adopted again without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Emergency rule adopted again without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted with changes effective June 22, 1992 (Supp. 92-2). R20-2-809 recodified from R4-31-809 (Supp. 95-1). R4-2-809 repealed effective October 8, 1998 (Supp. 98-4).

R20-2-810. Repealed

Historical Note

Emergency rule adopted effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency rule adopted again without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Emergency rule adopted again without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted effective June 22, 1992 (Supp. 92-2). R20-2-810 recodified from R4-31-810 (Supp. 95-1). R20-2-810 repealed effective October 8, 1998 (Supp. 98-4).

R20-2-811. Repealed

Historical Note

Emergency rule adopted effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency rule adopted again without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Emergency rule adopted again without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted with changes effective June 22, 1992 (Supp. 92-2). R20-2-811 recodified from R4-31-811 (Supp. 95-1). R20-2-811 repealed effective October 8, 1998 (Supp. 98-4).

R20-2-812. Repealed

Historical Note

Emergency rule adopted effective July 17, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Emergency rule adopted again without change effective October 16, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again without change effective January 9, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency expired. Emergency rule adopted again without change effective April 22, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted effective June 22, 1992 (Supp. 92-2). R20-2-812 recodified from R4-31-812 (Supp. 95-1). R20-2-812 repealed effective October 8, 1998 (Supp. 98-4).

ARTICLE 9. GASOLINE VAPOR CONTROL

R20-2-901. Material Incorporated by Reference

The following documents are incorporated by reference and on file with the Department. The documents incorporated by reference contain no later amendments or editions:

1. Appendix J.5 of Technical Guidance -- Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities, Vol. II: Appendices, November 1991 edition (EPA-450/3-91-022b), published by the U.S. Environmental Protection Agency, Office of Air Quality, Planning and Standards, Research Triangle Park, North Carolina 27711.
2. *San Diego County Air Pollution Control District Test Procedure TP-96-1*, March 1996, Third Revision, Air Pollution Control District, 9150 Chesapeake Drive, San Diego, CA 92123-1096.
3. The following CARB test procedures:
   a. California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.4, Determination of Dynamic Pressure Performance of Vapor Recovery Systems of Dispensing Facilities, April 12, 1996 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.
   b. California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.5, Determination (by Volume Meter) of Air to Liquid Volume Ratio of Vapor Recovery Systems of Dispensing Facilities, April 12, 1996 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.
   c. California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.2C, Determination of Spillage of Phase II Vapor Recovery Systems of Dispensing Facilities, April 12, 1996 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.
   d. California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.6, Determination of Liquid Removal of Phase II Vapor Recovery Systems of Dispensing Facilities, April 12, 1996 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.
   e. California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.2B, Determination of Flow Versus Pressure for Equipment in Phase II Vapor Recovery Systems of Dispensing Facilities, April 12, 1996 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.

Historical Note

Emergency rule adopted effective November 23, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-4). Emergency rule adopted again effective

February 22, 1993 (Supp. 93-1). Emergency expired. Emergency rule adopted again effective June 1, 1993 (Supp. 93-1). Permanent rule adopted with changes effective August 31, 1993 (Supp. 93-3). R20-2-901 recodified from R4-31-901 (Supp. 95-1). Section R20-2-901 repealed; new Section R20-2-901 renumbered from R20-2-902 and amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

R20-2-902. Exemptions

A. To obtain an exemption from this Article, a person shall submit a written request to the Department and attest that gasoline throughput at the gasoline dispensing site is not in excess of that specified in A.R.S. § 41-2132(C). By the 15th of each month, beginning the month after the Department approves the exemption, the person shall submit a written throughput report to the Department. If a person does not timely file a monthly throughput report or if a monthly throughput report reflects that the exemption limit is exceeded, the Department deems the exemption void.

B. To obtain an independent small business marketer exemption, a person shall derive at least 50 percent of the person's annual income from the sale of gasoline at each gasoline dispensing site for which an exemption is requested. The person shall submit a written request for exemption to the Department. The Department shall determine the percentage of total annual income represented by the sale of gasoline on the basis of the person's state and federal gross income for the preceding year for income tax purposes. The following items are excluded from income computations:

1. Purchase and sale of diesel fuel, and
2. State lottery sales net commissions and incentives.

C. Motor raceways, motor vehicle proving grounds, and marine and aircraft fueling facilities are exempt from stage II vapor recovery requirements.

Historical Note

Emergency rule adopted effective November 23, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-4). Emergency rule adopted again effective February 22, 1993 (Supp. 93-1). Emergency expired. Emergency rule adopted again effective June 1, 1993 (Supp. 93-1). Permanent rule adopted with changes effective August 31, 1993 (Supp. 93-3). R20-2-902 recodified from R4-31-902 (Supp. 95-1). R20-2-902 renumbered to R20-2-901; new Section R20-2-902 renumbered from R20-2-903 and amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

R20-2-903. Equipment and Installation

A. The Department shall reject a vapor recovery system or component from future installation if:

1. Federal regulations prohibit its use;
2. The vapor recovery system or component does not meet the manufacturer's specifications as certified by CARB using test methods approved in R20-2-901; or
3. The vapor recovery system or component fails greater than 20% of Department inspections for that system or component or the Department receives equivalent failure results from a vapor recovery registered service agency or from another jurisdiction's vapor recovery program, and the Department provides at least 30 days public notice of its proposed rejection.

B. The piping of both a stage I and stage II vapor recovery system shall be designed and constructed as certified by CARB for that specific vapor recovery system. A person shall not alter a stage I and stage II vapor recovery system or component from the CARB-certified configuration without obtaining Department approval under R20-2-904.

C. If Department inspection or test data reveal a deficiency in a fitting, assembly, or component that cannot be permanently corrected, the deficient fitting, assembly, or component shall not be used in Arizona.

D. A stage I spill containment may have a plugged drain rather than a drain valve if a hand-operated pump is kept onsite for draining entrapped liquid. A stage II vapor recovery system shall have pressure/vacuum (P/V) threaded valves on top of the vent lines for gasoline storage tanks.

Historical Note

Emergency rule adopted effective November 23, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-4). Emergency rule adopted again effective February 22, 1993 (Supp. 93-1). Emergency expired. Emergency rule adopted again effective June 1, 1993 (Supp. 93-1). Permanent rule adopted with changes effective August 31, 1993 (Supp. 93-3). R20-2-903 recodified from R4-31-903 (Supp. 95-1). R20-2-903 renumbered to R20-2-902; new Section R20-2-903 renumbered from R20-2-904 and amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

R20-2-904. Application Requirements and Process for Authority to Construct Plan Approval

A. A person shall not begin to construct a site requiring a vapor recovery system or to make a major modification of an existing vapor recovery system or component before obtaining approval of an authority to construct plan application. A major modification is:

1. Adding or replacing a gasoline storage tank that is equipped with a Department approved stage II vapor recovery system;
2. Adding or replacing underground piping, vapor piping within a dispenser, or a dispenser at an existing vapor recovery site unless the dispenser replacement is necessary due to unforeseen damage to the existing dispenser; or
3. Replacing a Department-approved stage II vapor recovery system of one certified configuration with an approved stage II vapor recovery system of a different certified configuration.

B. A person shall file with the Department a written change order to an authority to construct plan approval on a form provided by the Department if a modification of the approved vapor recovery system or component is needed after the Department issues an authority to construct plan approval. The person shall not make any modification until the Department approves the change order.

C. To obtain an authority to construct plan approval, a person shall submit to the Department, on a form provided by the Department, the following:

1. The name, address, and phone number of any owner, operator, and proposed contractor, if known;
2. The name of the stage I or stage II vapor recovery system or component to be installed along with the CARB certification for that system or component;
3. The street address of the site where construction or major modification will take place with an estimated timetable for construction or modification;

4. A copy of a blueprint or scaled site plan for the vapor recovery system or component including all equipment and piping detail; and
5. An application fee.

D. After review and approval of the authority to construct plan, the Department shall issue the authority to construct plan approval and mail the plan approval to the address indicated on the application.
1. A copy of the authority to construct plan approval shall be maintained at the facility during construction so that it is accessible for Department review.
2. Construction of a stage II vapor recovery system or component at a site not having an approved authority to construct plan, shall be stopped and no further installation work shall be done until an authority to construct plan approval is obtained.
3. An authority to construct plan approval is not transferable.

E. The Department shall deny an authority to construct plan for any of the following reasons:
1. Providing incomplete, false, or misleading information; or
2. Failing to meet the requirements stated in this Chapter.

F. If excavation is involved, the Department may visually inspect the stage II underground piping of a gasoline dispensing site before the pipeline is buried, for compliance with the authority to construct plan approval. A person who owns or operates a vapor recovery system or component shall give the Department notice by facsimile at least two business days before the underground piping is complete. The Department shall require the owner or operator to excavate all piping not inspected before burial if the owner or operator does not give the required two business days' notice.

G. After construction is complete, a person who has a valid authority to construct plan approval may dispense gasoline for up to 90 days before final approval, if an initial inspection is scheduled according to R20-2-905.

H. An authority to construct plan approval expires one year from the date of issue or the completion of construction, whichever is sooner.

Historical Note

Emergency rule adopted effective November 23, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-4). Emergency rule adopted again effective February 22, 1993 (Supp. 93-1). Emergency expired. Emergency rule adopted again effective June 1, 1993 (Supp. 93-1). Permanent rule adopted effective August 31, 1993 (Supp. 93-3). R20-2-904 recodified from R4-31-904 (Supp. 95-1). R20-2-904 renumbered to R20-2-903; new Section R20-2-904 renumbered from R20-2-905 and amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

R20-2-905. Initial Inspection and Testing

A. Within 10 days after beginning the dispensing of gasoline at a site that requires an authority to construct plan approval, a person shall provide the Department with a written certification of completion by the contractor and schedule an inspection that includes tests and acceptance criteria specified in the authority to construct plan approval. The inspection shall be witnessed by the Department at a time approved by the Department and include any of the following relevant to the specific vapor recovery system installed:
1. A dynamic pressure performance test from each dispenser for each product grade to its associated underground storage tank;
2. A pressure decay test for each vapor control system including nozzles, underground storage tanks, and tank vents. This test shall be performed with caps removed from stage I fill and vapor risers. If the pressure decay test in R20-2-901(1) is used, the Department shall fail the vapor recovery system if gasoline storage tanks have less than 10 percent or greater than 60 percent vapor space. If the pressure decay test in R20-2-901(2) is used, the Department shall fail the vapor recovery system if gasoline storage tanks have less than 15 percent or more than 30,000 gallons vapor space. The Department shall compute combined tank vapor space for manifolded systems;
3. Communication from dispenser to tanks for each product, using the San Diego TP-96-1 and CARB TP-201.4 test procedures;
4. Air to liquid volume ratio by volume meter of a vapor recovery system, using CARB TP-201.5 or CARB-endorsed equivalent procedures to determine air to liquid (A/L) ratios;
5. Spillage of a stage II vapor recovery system, using the CARB TP-201.2C procedure;
6. Liquid removal of a stage II vapor recovery system, using the CARB TP-201.6 procedure;
7. Flow versus pressure for components in a stage II vapor recovery system, using the CARB TP-201.2B procedure; and
8. Procedures specified by a manufacturer for testing the vapor recovery system.

B. If there is a difference between a testing contractor's and the Department's test results, the Department's test results prevail.

C. If a site fails to pass any of the tests required by subsection (A), the affected vapor recovery system or component shall remain out-of-service until the vapor recovery system and component pass all the appropriate tests in subsection (A).

D. A person who cancels an initial inspection shall notify the Department by calling the Department's designated telephone number at least one hour before the scheduled inspection and shall reschedule the inspection within 10 business days after this notification. The Department shall take enforcement action if a person fails to comply with this Section.

E. A person shall notify the Department when a vapor recovery system or component is repaired after failing an initial inspection. A registered service representative shall not proceed with a reinspection until the Department approves the reinspection date and time.

F. If a registered service representative does not start an initial inspection pressure decay test within 30 minutes of the scheduled start time, the Department shall fail the initial inspection of that site.

G. If a person cancels an initial inspection, the person shall reschedule the inspection within 90 days from the date gasoline was first dispensed.
1. The Department shall take enforcement action if the person fails to timely reschedule the inspection.
2. The registered service agency shall notify the Department in writing at least 10 business days before the inspection of the time, date, and location of the inspection.
3. The Department shall notify the registered service agency within five business days, by facsimile or electronic mail, whether it approves the inspection date and time.

Historical Note

Emergency rule adopted effective November 23, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days

(Supp. 92-4). Emergency rule adopted again effective February 22, 1993 (Supp. 93-1). Emergency expired. Emergency rule adopted again effective June 1, 1993 (Supp. 93-1). Permanent rule adopted with changes effective August 31, 1993 (Supp. 93-3). R20-2-905 recodified from R4-31-905 (Supp. 95-1). R20-2-905 renumbered to R20-2-904; new Section R20-2-905 adopted effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

R20-2-906. Fees

A. The Authority to Construct plan approval fee is $500.

B. The reinspection fee is $300, and shall be paid each time an initial or preburial reinspection is required, or when the Department is not timely notified that an inspection is canceled.

Historical Note

Emergency rule adopted effective November 23, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-4). Emergency rule adopted again effective February 22, 1993 (Supp. 93-1). Emergency expired. Emergency rule adopted again effective June 1, 1993 (Supp. 93-1). Permanent rule adopted with changes effective August 31, 1993 (Supp. 93-3). R20-2-906 recodified from R4-31-906 (Supp. 95-1). R20-2-906 renumbered to R20-2-907; new Section R20-2-906 adopted effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

R20-2-907. Operation

A. The owner or operator of a gasoline dispensing site with stage II vapor recovery shall not transfer or permit the transfer of gasoline into any motor vehicle fuel tank unless stage II vapor recovery equipment is installed, maintained, operating, and being used according to the requirements of A.R.S. Title 41, Chapter 15, Article 7, and this Article.

B. The owner or operator shall operate a stage II vapor recovery system and associated components in compliance with the CARB certification for that system and these rules.

C. The owner or operator of a gasoline dispensing site with stage II vapor recovery shall inspect the system and its components daily. Daily inspections shall include all nozzles, hoses with connecting hardware, Stage I fittings, and spill containment.

D. The owner or operator shall immediately stop using a Stage II vapor recovery system or component if one or more of the following system or component defects occur:

1. A faceplate or facecone of a balance system nozzle does not make a good seal with a vehicle fill tube, or the accumulated damage to the faceplate or facecone is 1/4 or more of its circumference. These conditions also apply to a vacuum assist system that has a nozzle with a bellows and faceplate that seal with a vehicle fill pipe;
2. When more than 1/4 of the cone is missing for vapor assist systems having bellowless nozzles with flexible vapor deflecting cones;
3. A nozzle bellows has a triangular tear measuring 1/2 inch or more to a side, a hole measuring 1/2 inch or more in diameter, or a slit or tear measuring one inch or more in length;
4. A nozzle bellows is loosely attached to the nozzle body, attached by means other than that approved by the manufacturer, or a vapor check valve is frozen in the open position due to impaired motion of the bellows;
5. Any nozzle liquid shut-off mechanism malfunctions in any manner, the spring or latching knurl for holding the nozzle in place during vehicle fueling is damaged or missing, or a nozzle is without a functioning hold-open latch;
6. Any nozzle with a defective vapor check valve, or hose having a disengaged breakaway, when all other nozzles are capable of delivering the same grade of fuel from the same turbine pump;
7. Any vacuum assist nozzle having less than the acceptable number of open vapor collection holes specified by CARB for the particular model of nozzle in service, the nozzle spout rocks or rotates more than 1/8 inch, the spout shows heavy wear with the tip damaged in a way that the largest axis exceeds .84 inch, or the plastic insert in the tip of the spout is loose;
8. Any nozzle with a dispensing rate greater than 10 gallons per minute when only one nozzle associated with the product supply pump is operating, or a flow restrictor is improperly installed, leaking, or non-CARB approved;
9. Any nozzle with a physically damaged breakaway or a breakaway showing evidence of product leakage, or a breakaway not approved for the installed system;
10. A dispenser mounted vacuum pump that is not functioning;
11. Any vapor recovery hose and, as applicable, the accompanying whip hose, that:
    a. Is crimped, kinked, flattened, or damaged in any manner that constricts the return flow of vapor;
    b. For a balance hose, has any slits or tears greater than 1/4 inch in length, perforations greater than 1/8 inch in diameter, or assist system hoses that are cut, torn, or badly worn so as to cause a possible fuel leak;
    c. Does not fully retract, for approved dispenser configurations using hose retractors, or a balance system hose that exceeds the 10-inch loop requirement where required, or for a hose length that allows a balance hose to touch the ground, or for a vacuum assist hose having more than 6 inches in contact with the ground;
    d. Does not swivel at the hose/nozzle connection; or
    e. Does not have a required internal liquid pick-up or the hose with liquid pick-up is improperly assembled for the pick-up to properly function;
12. Tank vent pipes that are not the proper height, or are not properly capped with approved pressure and vacuum vent valve settings, or where required, vent pipes that do not meet the CARB-specified paint color code for the installed system;
13. The Stage I installation is not properly installed or maintained, in that:
    a. Spill containment buckets are cracked, rusted, the sidewalls are not attached or otherwise improperly installed, or spill containment buckets are not clean and empty of liquid, or there are non-functioning drain valves, or drain valves that do not seal;
    b. A fill adaptor collar or vapor poppet (drybreak) that is loose or damaged, or with a fill or vapor cap that is not installed, is missing, broken, or without gaskets;
    c. Coaxial Stage I that is not equipped with a functioning CARB-approved poppeted fill tube, or the coaxial cap is not installed, is missing, broken, or without gaskets; or
    d. A fill tube is missing, not sealed, has holes, broken or damaged overfill preventors, or if the high point of the bottom opening is more than 6 inches above the tank bottom;

14. The tank rise cap with instrument lead wire for an electronic monitoring system is not tightly installed, or any other tank riser is not securely sealed and capped;
15. The under-dispenser vapor recovery piping is not securely intact or is crimped, does not slope to the underground vapor pipe riser, hoses used for connection are deteriorated or not approved for use with gasoline, resettable impact type shear valves are closed, or there is any other valve or restriction to impede the vapor path;
16. An above-ground storage tank that does not display a permanently attached UL approval plaque;
17. A vacuum assist system with an inoperative central vacuum unit;
18. A vacuum assist system with an inoperative vapor processing (burner) unit;
19. A vacuum assist system with a monitoring system certified by CARB or the Authority to Construct that is not operational or malfunctions; or
20. Any other component identified in the diagrams, exhibits, attachments or other documents that are certified by CARB or required by the Authority to Construct for that system is missing, disconnected, or malfunctioning.

E. The owner or operator shall also inspect for the presence and proper placement of public information signs required by A.R.S. § 41-2132(F) and this Article.

F. For a stage II vacuum-assist vapor recovery system, the owner or operator shall immediately place damaged or malfunctioning equipment out of service and shall notify the Department by facsimile no more than one day after the malfunction of a central vacuum or processor unit. Once the equipment or system is repaired, the owner or operator shall provide written notice within five days of the repair to the Department.

G. Proper operation of the stage I system, pursuant to A.R.S. § 41-2132(D)(4), shall include the requirement to recover vapors during pump-out from a gasoline storage tank to a mobile transporter.

H. Any underground tank tightness test shall be conducted in a manner so that gasoline vapors are not emitted to the atmosphere.

Historical Note

Emergency rule adopted effective November 23, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-4). Emergency rule adopted again effective February 22, 1993 (Supp. 93-1). Emergency expired. Emergency rule adopted again effective June 1, 1993 (Supp. 93-1). Permanent rule adopted effective August 31, 1993 (Supp. 93-3). R20-2-907 recodified from R4-31-907 (Supp. 95-1). R20-2-907 renumbered to R20-2-908; new Section R20-2-907 renumbered from R20-2-906 and amended effective October 8, 1998 (Supp. 98-4).

R20-2-908. Training and Public Education

A. Each operator of a gasoline dispensing site using stage II vapor recovery shall obtain adequate training and written instructions to enable the system to be properly installed, operated and maintained in accordance with the manufacturer's specifications and CARB certification. The operator shall maintain documentation of this training for each operator on-site and documentation to the Department on request.

B. In addition to the information required in A.R.S. § 41-2132(F), an operator of a gasoline dispensing site with stage II vapor recovery shall display a Department telephone number that the public can call to report nozzle or other equipment problems. The operator shall place the required information on each face of each gasoline dispenser. The headings shall be at least 3/8 inches and shall be readable from up to 3 feet away for decal signs, and from up to 6 feet away for permanent (non-decal) signs. Decals shall be located on the upper 60% of each face of the dispenser.

Historical Note

Emergency rule adopted effective November 23, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-4). Emergency rule adopted again effective February 22, 1993 (Supp. 93-1). Emergency expired. Emergency rule adopted again effective June 1, 1993 (Supp. 93-1). Permanent rule adopted effective August 31, 1993 (Supp. 93-3). R20-2-908 recodified from R4-31-908 (Supp. 95-1). R20-2-908 renumbered to R20-2-909; new Section R20-2-908 renumbered from R20-2-907 and amended effective October 8, 1998 (Supp. 98-4).

R20-2-909. Recordkeeping and Reporting

A. The owner or operator of a gasoline dispensing site employing stage II vapor recovery shall maintain daily records of the inspections done pursuant to this Article.

B. The owner or operator of a gasoline dispensing site employing stage II vapor recovery shall maintain a log and related records of all regularly scheduled maintenance and any repairs that have been made to stage II equipment.

C. The owner or operator of a gasoline dispensing site that is exempt from requirements to install and operate stage II vapor recovery equipment, pursuant to A.R.S. § 41-2132(C), shall maintain a log at the site showing monthly throughputs. The owner or operator shall annually submit a copy of these logs representing the previous 12 months throughputs to the Department. If any throughput requirement provided in A.R.S. § 41-2132(C) and this Article is exceeded for any month, the owner or operator shall notify the Department in writing within 30 days. The owner or operator shall within six months after the end of the month the throughput is exceeded, install and operate a stage II vapor recovery system conforming to this Article.

D. An owner or operator shall keep all records required by this Article at the gasoline dispensing site for at least one year and shall make these records available to the Department upon request.

Historical Note

Emergency rule adopted effective November 23, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-4). Emergency rule adopted again effective February 22, 1993 (Supp. 93-1). Emergency expired. Emergency rule adopted again effective June 1, 1993 (Supp. 93-1). Section R4-31-909 adopted as an emergency rule permanently adopted and renumbered to R4-31-910, new Section R4-31-909 adopted effective August 31, 1993 (Supp. 93-3). R20-2-909 recodified from R4-31-909 (Supp. 95-1). R20-2-909 renumbered to R20-2-210; new Section R20-2-909 renumbered from R20-2-908 and amended effective October 8, 1998 (Supp. 98-4).

R20-2-910. Annual Inspection and Testing

A. A person shall ensure that an annual inspection, as required by A.R.S. § 41-2065(A)(15), is conducted by a registered service representative on or before the annual inspection date. The annual inspection date is the last day of the month in which the last scheduled annual inspection was performed. A registered service agency shall notify the Department in writing at least 10 business days before an annual inspection of the time, date, and location of the inspection. The Department shall notify the registered service agency within five business days, by facsimile or electronic mail, whether it approves the annual inspec-

tion date and time. The registered service agency shall not perform the annual inspection unless the Department approves the inspection date and time.

B. The annual inspection shall include the tests defined in R20-2-905(A)(1) through (8) that pertain to the specific vapor recovery system installed.

C. If there is a difference between a testing contractor's and the Department's test results, the Department's test results prevail.

D. If a site fails to pass any of the tests required by subsection (B), the affected vapor recovery system or component shall remain out-of-service until the vapor recovery system and component pass all appropriate tests in subsection (B).

E. After an annual inspection begins, a person shall not make a repair to the vapor recovery system or component until the results of the inspection are recorded.

F. A registered service representative shall perform all tests according to Article 9 and any other vapor recovery procedure that the Department issues to registered service agencies.

G. A person who cancels a witnessed inspection shall notify the Department by calling the Department's designated telephone number at least one hour before the scheduled inspection and shall reschedule the test to be completed by the annual inspection date. A registered service agency shall notify the Department in writing at least 10 business days before an annual inspection of the time, date, and location of the inspection. The Department shall notify the registered service agency within five business days, by facsimile or electronic mail, of its approval of the inspection date and time. The Department shall take enforcement action if a person does not comply with this subsection.

Historical Note

Section R4-31-910 renumbered from emergency rule R4-31-909 and permanently adopted with changes effective August 31, 1993 (Supp. 93-3). R20-2-910 recodified from R4-31-910 (Supp. 95-1). R20-2-910 renumbered to R20-2-912; new Section R20-2-910 renumbered from R9-2-909 and amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

R20-2-911. Compliance Inspections

The Department shall not announce when it plans to conduct a compliance inspection of a stage I or stage II vapor recovery system or component. If results of a compliance inspection reveal a violation of A.R.S. Title 41, Chapter 15, or this Article, the Department shall require the vapor recovery system or component to undergo an appropriate test as specified in R20-2-910.

Historical Note

Adopted effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).

R20-2-912. Enforcement

If the Department finds that a stage II vapor recovery system or component is defective or non-compliant with one or more of the provisions of this Chapter or A.R.S. Title 41, Chapter 15, the Department shall issue to the owner or operator an administrative order and place a stop-sale, stop-use tag on the non-compliant vapor recovery system or component. The owner or operator may be required to schedule an inspection for a stage II vapor recovery system or component to ensure that it meets all requirements of A.R.S. Title 41, Chapter 15 and this Chapter before the vapor recovery system or component is placed in service.

Historical Note

Section R20-2-912 renumbered from R20-2-910 and amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 1690, effective June 5, 2004 (Supp. 04-2).